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Selectmen

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TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, January 03, 2005
Town Hall, 50 Billerica Road, Chelmsford, MA 01824

Attending:
Stuart G. Weisfeldt, Selectman Chair
Philip M. Eliopoulos, Selectman Vice Chair
Thomas A. Newcomb, Selectman Clerk
William F. Dalton, Selectman
Michael F. McCall, Selectman
Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the Town Manager

Open Session:
John Adams, "Eugene", addressed the Board for a second time and stated that he was concerned that the Massachusetts Constitution was not taught in the schools. Mr. Adams asked the Board for backing when he addresses the school committee. Selectman Dalton asked Mr. Adams if he had asked the school department any of his questions. Mr. Adams responded by saying that the MCAS was the reason the state constitution was not being taught.

Mr. Angie Taranto, Chairman of the School Committee stated to the Board that the Curriculum Frameworks governs what is taught in the schools, and if Mr. Adams has concerns he should address the State Department of Education. Mr. Adams stated that the Board had the power to enforce the laws. Selectman Eliopoulos suggested that Mr. Adams speak with the school committee, as suggested at the last BOS meeting.

Minutes of BOS Meetings:

Motion: Selectman Eliopoulos made a motion to approve the BOS minutes for the BOS Meetings on April 12, , April 15, , and April 30 2004. Selectman McCall seconded. Motion unanimously carried.

Motion: Selectman Eliopoulos made a motion to approve the BOS executive session minutes for April 12, 2004. Selectman McCall seconded. Motion unanimously carried.

Town Manager Reports:

1. Budget: Mr. Lynch stated that the Solid Waste Contract runs out in June and it is currently at $60/ton, which is below what other communities are paying. Mr. Lynch will have a clearer number later in the week on the health insurance rates. The Middlesex Retirement assessment is also going up.
2. Mr. Lynch noted the 350th anniversary of the Town and that there will be many events throughout the year. Mr. Lynch asked Marian Currier and Holly Rice to report to the Board the overall itinerary of these events. An Opening Ceremony will be held on January 30th at 3:00pm at the Chelmsford Senior Center.

Winterfest has new events being added starting with the 350th Celebration kickoff event "Winter Welcome" featuring a wine tasting sponsored by Harrington Wine and Liquors, entertainment by John Mansfield and appetizers by Carven Catering at the Old Town Hall February 4, 2005 from 7-11 p.m. Tickets are $20 per person and available at Town Hall. A Town Photo Contest, Star Party, Rotary Breakfast, Snowman Making Contest, Ice Sculptures, Sleigh Rides, Chowder Fest, Lollypop Day, Boy Scout Skating, and a Talent Show are all part of the Winterfest events. Springtime Events are also being planned and there will be a black tie ball event, drive-in movie at Murphy Field, Family Day on the Common, An interactive mural and the Independence Day Parade. The parade will be held on July 2, 2005 at 11:00 am. Mr. Lynch stated that events are planned throughout the year and a newsletter will be going out to the community with all of the 350th Celebration Events. Selectman Dalton asked if there are any banners in regards to the 350th. Mr. Lynch responded that there are banners and more on order. Mr. Lynch stated $17,500 has been raised and the Town is still taking donations for banners. Mr. Lynch stated that a goal was set at $150,000-$175,000 and people can call 978-250-5289 or check the website for more details.

Town Manager Appointments:

1. Conservation Commission: Mr. Lynch suggested that the appointment of Ruth Luna who has been attending conservation commission meetings since 2002, and has a background in engineering to fill the seat for a 2-year term.

Motion: Selectman Eliopoulos made a motion to approve the Town Manager's appointment of Ruth Luna to the Conservation Commission, to serve the unexpired term to June 2006. Selectman Newcomb seconded. Motion unanimously carried.

2. Cultural Council: Mr. Lynch suggested the appointment of Kerry Bernier, who has a background in education to fill the seat which expires June 2006.

Motion: Selectman Eliopoulos made a motion to approve the Town Manager's appointment of Kerry Bernier to the Cultural Council, to serve the unexpired term to June 2006. Selectman Newcomb seconded. Motion unanimously carried.

3. Historic District Commission (Alternate): Mr. Lynch suggested the appointment of Cynthia Acheson to fill the seat which expires June 30, 2005.

Motion: Selectman Eliopoulos made a motion to approve the Town Manager's appointment of Cynthia Acheson to the Historic District Commission as an alternate, through June of 2005. Selectman Newcomb seconded. Motion unanimously carried.

Selectman Newcomb asked when and where openings to Committees were posted. Mr. Lynch responded that in the past many were posted on the web site and that a Committee handbook with the function and rules of each committee will be done later this year.

Selectman Referrals:

Selectman Dalton made the following referrals:

1. Selectman Dalton asked for an update on the maintenance program. Mr. Lynch stated that there was discussion between the maintenance union and the school department. Mr. Lynch noted that there were some collective bargaining issues but things were progressing. Gary Persichetti has been working with the police, and the library. Mr. Lynch stated that the active building liability policy is also being worked on where the Town gets credits if it undertakes certain initiatives, which are being inspected. Mr. Persichetti is able to go out and look at all of the buildings, saving the Town money and a good opportunity to see buildings develop a log with a priority list. Mr.Persichetti is also working with Jim Pearson on a work order system that the Public Works Dep't. And the Public Facilities Dep't. can use to prioritize work. This work order system will keep up with what needs to be done and in what time frame. Selectman Newcomb asked if this will create a needs assessment, which Mr. Lynch responded that this would be the end result.
2. Old Westford Road: Selectman Dalton was concerned with people whipping around and ignoring signs. Straight arrows may be needed so people do not make a left from the far right lane. Selectman Eliopoulos responded that he would speak with Modern Continental.

Selectman Eliopoulos made the following referrals:

1. Selectman Eliopoulos mentioned the review of the Charter and whether enough signatures will be gathered. Selectman Eliopoulos stated that there needed to be some discussion at the next meeting. Selectman Newcomb agreed and stated that things can be done now.

Chairman McCall made the following referrals:

1. A date needed to be made to work on Tax Classification issues. Mr. Lynch stated that the next BOS meeting was on January 24th and maybe it could be squeezed into the agenda. Selectman Newcomb suggested goals on what needs to be accomplished should be made ahead of time. Mr. Lynch stated that a letter was sent to the DOR and copies of the State Classification will be made for the Board. Mr. Lynch stated that the summary was similar to the work done in Chelmsford. Selectman Eliopoulos supports the idea and thought a meeting with Frank Reen and old/new members of the Tax Classification Committee to fine tune goals keeping it a work in progress.

2. Newspaper carriers have been reported to drive erratically in the early morning hours. Mr. Lynch stated that he would ask the police chief to look into it.

Motion: Selectman Eliopoulos made a motion to move into Executive Session at 8:52 pm. Selectman Newcomb seconded. Motion unanimously carried.

Next scheduled meeting is January 24, 2005.

Respectfully Submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

January 24, 2005

7:00 p.m. **Call to Order - Pledge of Allegiance**

Public Service Announcements

Chelmsford Art Society Presentation to 350th Anniversary Celebration

Open Session

Minutes of BOS Meetings

Town Manager Reports

Town Manager Appointments

Town Manager Bids/Contract Awards

Scheduled Business

7:30 p.m. Public Hearing: Application for a Transfer the License and Change of Manager
Chelmsford House of Pizza, 10 Vinal Square

7:35 p.m. Application for a One-Day Beer & Wine License for 350th Winter Welcome

7:40 p.m. Application for Common Victualer License: Miller's Variety Store
175 Dalton Road

Unscheduled Business

- BOS Appointments: Deputy Constables

Selectmen Referrals

Executive Session

Next Regular Meeting: February 7, 2005

** This meeting is televised. **

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, January 24, 2005
Town Offices, 50 Billerica Road

Attending:
Stuart G. Weisfeldt, Selectman Chair
Philip M. Eliopoulos, Selectman Vice Chair
Thomas A. Newcomb, Selectman Clerk
William F. Dalton, Selectman
Michael F. McCall, Selectman
Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the Town Manager

Public Service Announcements:
Shirley Lavoi and Debra Robertson of the Chelmsford Art Society thanked those members of the Board who attended their event back in November. The Chelmsford Art Society delivered a check to the Town for $1,500 toward the Chelmsford 350th Anniversary Celebration.

Open Session:
Carol Kelly Suleski, Chairperson of Friends of Music for the Chelmsford's Schools, informed the Board of their fundraiser on January 28, 2005, at 6:00pm at the Lowell Brew House. The money earned will go towards the enhancement of the music programs and scholarship awards. Ms. Selesky noted that there is a $125 buy-in, which is tax deductible, and that there is a $10,000 prize award to the top 3 players; 20 players will receive cash prizes, with $150 being the lowest. People willing register should call Ray Velasquez at 978-250-0640.

Town Manager Reports:
1. Snow: Mr. Lynch stated that the DPW did a great job with snow removal during the past storm. The conditions of the storm made it very difficult for drivers, but the overall response has been positive. Mr. Lynch stated that the major priority is to keep roads open for emergency vehicles and then to go back and push the snow back to maintain proper road width. Mr. Lynch estimated that the January 23, 2005 storm cost the town $120,000, and that there is still some cleanup left. The Governor has declared a state of Emergency; therefore some state money will be available to the community. Selectman Dalton asked what the cost for an average storm was and Mr. Lynch responded that $50,000-$70,000 was the average.
2. Budget: Mr. Lynch stated that there was a department head meeting to go over the budget and there is a projected deficit of $1.5 million for FY06. Mr. Lynch stated that the Department requests were reasonable and they are looking at areas to save money. Mr. Lynch stated that $100 million for lottery is really $25 million because the last year the Town received $75 million.
3. Misc. Receipts revenue is coming from interest on income and building permits. Mr. Lynch stated that a large problem is with solid waste which is up 12%, costing $315,000.

4. Middlesex Retirement – Town contribution is going up 15% costing $575,000. Mr. Lynch stated that health insurance will increase 31%, which is higher than expected. Mr. Lynch stated that he was looking into other options for health insurance. Mr. Lynch stated that self insurance in the short term looked good but long term was more risky. Selectman Eliopoulos asked why the insurance jumped up so much and Mr. Lynch stated that the number of subscribers with serious illnesses is high.
5. The state withheld a hotel/motel tax and the Town is receiving $487,000, with more information coming from the state. Selectman Newcomb asked how the ending of FY05 is looking. Mr. Lynch stated that it was still too early and excise taxes will come in February and that extra cash will go into the stabilization fund.
6. Bike Path: Mr. Lynch stated that S&R Construction put in a bid for $3.7 million and the Bike Path will start construction sometime in the summer.
7. School Project: Mr. Lynch stated that cost estimates came in greater than estimated and that the issue is that the auditorium cost is higher than anticipated plus the science room areas need to be increased. Selectman Dalton asked if the increases were the result of the climbing costs in materials. Selectman Newcomb responded by stating that costs for materials is part of the increase but enlarging of the science rooms to meet the standards is not an easy task. Selectman Newcomb stated that there are alternative plans being discussed to move the science rooms from the original locations, as well as portable labs. Selectman Newcomb stated that to save money the science rooms are not being gutted out completely and that heating units that are fairly new are not being replaced. Selectman Eliopoulos asked if the town could pre-buy the materials. Selectman Newcomb responded by stating that what will be needed can't be replaced with similar units. Selectman Newcomb concluded by stating that Town Meeting approved $31 million for the project the School Building Committee intends to stay within that amount without seeking additional exemption.
8. Work Session: A date for the Tax Classification work session needs to be changed and Mr. Lynch will get back to the Board on a date.
9. Globe Article: Mr. Lynch stated that the Boston Globe had an article on property taxes and a listing of which communities went up and by how much. Chelmsford ranked 118 in the list. Mr. Lynch noted that the DOR mentioned a problem with how community property is assessed which was acknowledged by the governor after the DOR told a Selectman that there was no problem.
10. 350th: Mr. Lynch reminded the Board that this Sunday is the kickoff celebration of the 350th Celebration. There are also more events planned for the February 4th weekend. More information can be collected at *Chelmsford350.com*. Mr. Lynch concluded by informing the Board of the GIS system, a mapping software, available at the Chelmsford Towns web site as well as Chelmsford Historical Commission information on 100 properties of significance in Chelmsford.

Public Hearing

Application for a Transfer the License and Change of Manager of Chelmsford House of Pizza, 10 Vinal Square:

Sotirios "Sam" Panagiotopoulos requested a transfer of license from Harry Panagiotopoulos. There is no criminal history and no problems reported.

Motion: Selectman Eliopoulos made a motion to close the public hearing. Selectman Newcomb seconded. Motion unanimously carried.

Motion: Selectman Eliopoulos made a motion to approve the change of manager from Harry Panagiotopoulos to Sotirios Panagiotopoulos. Selectman Newcomb seconded. Motion unanimously carried.

Application for a One-Day Beer & Wine License for 350th Winter Welcome:

Mr. Lynch stated that this request was for the 350th Winter Welcome being held on February 4, 2005, and that the bartenders are TIP certified.

Motion: Selectman Eliopoulos made a motion to approve the one-day Beer & Wine license for February 4, 2005, at the Old Town Hall for the 350th Chelmsford Steering Committee from 7pm-11pm with TIP certification. Selectman Newcomb seconded. Motion unanimously carried.

Application for Common Victualer License: Miller's Variety Store 175 Dalton Road:

Jill Miller addressed the Board requesting a Common Victualer License. Ms. Miller explained that she was acquiring and revamping AJ Variety and selling sandwiches and creating a more neighborhood friendly establishment.

Motion: Selectman Eliopoulos made a motion to approve Common Victauler License to Jill Miller, 175 Dalton Road, to Miller Variety Inc. from 6:00 am to 9:30 pm. Selectman Newcomb seconded. Motion unanimously carried.

BOS Appointments: Deputy Constables:

Mr. Lynch listed the following people to be appointed to be Deputy Constables.
Henry Sullivan, 1 Bel-Air Drive, Chelmsford
Kathleen Sullivan, 1 Bel-Air Drive, Chelmsford
Judith Goffin, 19 Cathy Rd., Chelmsford
Kevin Whippen, 168 Groton Rd., Chelmsford
Joseph Connell, 3 Connell Drive, Westford
Mathew St. Hilaire, 11 Cross St., Chelmsford
Francis Fraine, 24 Floyd St., Billerica
Ken White, 22 Mt. Auburn, Chelmsford

Selectman Eliopoulos asked if this was the complete list. Mr. Lynch stated he will double check the names. Selectman Dalton asked why the people were not all from Chelmsford. Selectman McCall responded by stating that Chelmsford Constable could appoint deputy constables from other towns.

Motion: Selectman Eliopoulos made a motion to appoint the aforementioned constables for a 1 year appointment. Selectman Newcomb seconded. Motion unanimously carried.

Selectman Referrals:

Selectman Dalton made the following referrals:

1. Selectman Dalton met with the Affordable Housing Committee and they are in the process of editing plans received from Daylor, and a document should be ready in the next few months. Mr. Lynch stated the Board spoke about in prior meetings having a policy for 40B projects. Selectman Dalton suggested a discussion with the Board before meeting with the Affordable Housing Committee.
2. Selectman Dalton referred to a letter from Chief Parrow in regards to Princeton Street Bridge and how a truck proceeded over the bridge above the weight limit, which is 4 tons. Selectman Dalton wanted to know about the dump trucks exceeding the weight limit that are passing over the bridge. Mr. Lynch stated the trucks should not be going over the bridge and a sign is posted. Mr. Lynch further noted that the Fire trucks have an alternate route while the bridge is being repaired.

Mr. Lynch stated that the traffic signals will be on Opticom scan while the road is being repaired so public safety vehicles can pass. Selectman Dalton stated that he was concerned that North Chelmsford could become isolated and that there is only one Fire Engine to serve the area because some vehicles are being blocked by the trains. Selectman Dalton asked if there was a chance to add a man to address the need in case of emergency. Mr. Lynch stated that another person can not be placed in this area. Selectman Dalton stated that this is a public safety issue and Mr. Lynch replied that he is working with the state on the problem.

Selectman Eliopoulos made the following referrals:

1. Selectman Eliopoulos asked for an update on the suppression of utilities. Mr. Lynch stated that it is to start in the spring after the July 4th parade. Mr. Lynch stated that delays are possible and that money is being collected but it is frustrating because utilities do not see suppression of utilities as a priority.
2. Selectman Eliopoulos stated that John Greely will give a presentation on Rte 3 Drum Hill Road project and hoping for the project to be completed by the summer. Selectmen Dalton and McCall stated that complaints are still coming in that people are running red lights at Drum Hill. It was also noted that in the center most people are stopping at the old stop line which is further up than the new stop line and there also needs to be a sign that states no turn on red. Selectman Newcomb suggested a stop sign be painted on the road to stop confusion.
3. Mr. Lynch stated that the Town banners for the 350th Celebration will go up this week.

Selectman Newcomb made the following referrals:

1. Selectman Newcomb reminded the public that the local election season is coming up and encouraged people to run for town representatives because there are not enough slots being filled.

Selectman McCall made the following referrals:

1. Selectman McCall commented on the good job that was done with plowing.
2. Selectman McCall mentioned the news carrier's continuous driving down the wrong side of the street and that someone may get injured.

Chairman Weisfeldt made the following referrals:

1. Selectman Weisfeldt mentioned the scholarships for the community with disabilities are coming up.
2. Selectman Weisfeldt commented on the roads that were plowed and that snow plows did a good job.

Press Question:

A member of the Press asked Selectman Newcomb what his affiliation was with the school buildings. Selectman Newcomb stated that he was a Board of Selectman Representative to the School Building Committee.

Motion: Selectman Eliopoulos made a motion to move into Executive Session at 8:25pm. Selectman Newcomb seconded. Motion unanimously carried.

Next scheduled meeting is February 7, 2005.

Respectfully Submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

February 7, 2005

7:00 p.m. **Call to Order - Pledge of Allegianee**

Public Service Announcements
- CHS Alumni Association Hall of Fame – George Simonian

Open Session

Minutes of BOS Meetings
- Selectmen: January 3, 2005
- Executive Session: January 3, 2005

Town Manager Reports

Town Manager Appointments
- Commission on Disabilities

Town Manager Bids/Contract Awards

Scheduled Business

Unscheduled Business

Selectmen Referrals

Press Questions

Executive Session

Next Regular Meeting: February 28, 2005

** This meeting is televised. **

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, February 7, 2005
Town Offices, 50 Billerica Road

Attending:
Philip M. Eliopoulos, Selectman Vice Chair
Thomas A. Newcomb, Selectman Clerk
William F. Dalton, Selectman
Michael F. McCall, Selectman
Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the Town Manager

Absent:
Stuart G. Weisfeldt, Selectman Chair

Public Service Announcements:
George Simonian announced the 15th Annual Chelmsford High School Alumni Hall of Fame Dinner and Induction Ceremony on March 19, 2005, at 6:00pm at the Doubletree Hotel, in Lowell. The recipient of the Golden Lion Award was the Chelmsford Firefighters. People interested in tickets can call Terry McSheehy at 978-251-3788.

Mr. Simonian read the names of the inductees into the record with a brief history of each participant.
Jonathan S. Aronie, Class of 1986, was a basketball player, captain of the Volleyball team, started the summer basketball program and is now a lawyer in Washington, D.C.
Frederick D. Crowe, Jr., Class of 1953 was an athlete, a pilot in the Navy and a retired pilot for American Airlines.
Richard A. LaFrance, Class of 1964, was a scholar in high school and is now a neurologist.
Robert P. Mackey, Class of 1963, is active with the alumni and a Viet Nam Veteran.
Laura Flannery Masson, Class of 1962, was the class secretary and is a nurse, at Dover hospital who has written instruction manuals for young trainees.
Henry P. McCarthy was a phys-ed teacher and a successful basketball coach and has many records for games won and championships.
Elizabeth L. McCartney, Class of 1983, was involved in drama and is on Broadway in Mama Mia.
Francis C. Monette Class of 1958, is a Biology Professor at BU.

Open Session:
1. Eugene Dundee, resident- 59 Richardson Road, stated that he addressed the School Committee about the teaching of the MA Constitution in the schools and the committee stated that nothing will happen without approval from the state. Mr. Dundee noted that there are two misspellings of the reprints of the MA state constitution on the web and in other law publications. The word council should be counsel. Mr. Dundee stated that the hard copy of the constitution is correct but changing spellings on other publications is changing the meaning of the words. Selectman Newcomb suggested Mr. Dundee e-mail

him where the words are misspelled. Selectman McCall suggested inviting Sen. Fargo into this discussion to help out.

2. David Eacrett, resident, addressed the Board with concern about Modern Continental rezoning land near Rte 40 to build a truck stop/Fast Food area. Mr. Eacrett also pointed out that there are no sound barriers in this location and asked the BOS for their support and to consider not agreeing to rezone until sound barriers are in place. Selectman Eliopoulos stated that in a PAC meeting in December 2004 Mass Highway and Modern Continental were told that unless the neighborhood was satisfied with a sound barrier the Town would not support the site plans.

Mr. Eacrett asked the Board why the 2 million dollars in penalty fees was not allocated to the improvements of the Rte. 3 project. Selectman Eliopoulos responded by stating that the legislature passed the project stating that any savings are required to go back into the general fund. Mr. Eacrett also commented on the rubble strip and how in most states the rubble strip is 2-3 feet over the fog line and on Rte. 3 it is only 6 inches off the fog line causing more noise. Mr. Eacrett stated that the state does not seem to want to hear the residents' concerns. Selectman Eliopoulos stated that the site could be used for bargaining because it is good business for the State. Selectman Eliopoulos noted that work is being done with Rep. Marty Meehan's office and that the Federal Highway Administration reviewed Mass Highway's decision to not build the sound barriers, but it did not overturn. The Federal Highway Administration stated that Mass Highway should be looking at issues rather than sticking to a strict formula. Mr. Eacrett stated he has no objection to the project but is concerned for future residents.

Minutes of BOS Meetings:

Motion: Selectman Newcomb made a motion to approve the BOS minutes for regular meeting of January 3, 2005, and the Executive Session January 3, 2005. Selectman McCall seconded. Motion unanimously carried.

Town Manager Reports:

1. Mr. Lynch stated that the Town is currently looking at a $2.5 million deficit and Mr. Lynch is working to balance the budget by Town Meeting.
2. The Work Session with Town Counsel to go over commercial property assessment, and Appraisers as well as an Executive Session to discuss ongoing litigation is being scheduled.
3. Mr. Lynch stated that he was working with residents on Sycamore Street and hopes to have something for the Board soon. There has been talk of traffic calming and residents seem interested in the idea.
4. The 350th is proceeding and the kickoff was held on the 30th of January where there were music performances and a Winter Welcome Wine Tasting attended by 150 people. Mr. Lynch thanked the staff for all of their effort to make the Winter Welcome a great event. Staff: Marion Currier, Holly Hamilton, Kathy Cryan-Hicks Volunteers: Joyce Johnson, Brenda Lovering, and Evelyn Thoren.

People who gave time and Vendor Services: John Mansfield, John Harrington and Judy Carven. The next big event is the Birthday weekend on Memorial Weekend with a parade and Birthday cake on the common. Mr. Lynch also mentioned the Black Tie Ball coming up and tickets are almost sold out.

Town Manager Appointment:

Motion: Mr. Lynch requested a vote to approve the appointment of Douglas Macarthur to the Commission of Disabilities for the unexpired term June 30th of this year.

Motion: Selectman Newcomb made a motion to approve the appointment of Douglas MacArthur of 32 Augusta Way, N. Chelmsford to fill an unexpired term on the Commission of Disabilities through June 30, 2005. Selectman McCall seconded. Motion unanimously carried.

Selectman Referrals:

Selectman McCall made the following referrals:

1. Mr. Lynch stated that a Press Release went out regarding CHS of an unknown man in the school that may have had a weapon. The school went into lockdown and the matter is still under investigation.
2. Selectman McCall stated that he has received additional comments on a sound barrier. He further mentioned that there will be a Community Preservation Committee meeting in February; where they hope to work on a process of identifying parcels of land in Town which meet certain criteria.

Selectman Newcomb made the following referrals:

1. Friends of Music Auction on March 19 at 6:30pm at the Radisson Hotel. Tickets are $5; for tickets call Joan Morse at 978-256-5147 or JoanMorse@comcast.net. Friends of Music are also accepting donations for the auction.
2. A letter to Chief McCusker was mailed by the Cub Scout PAC 81 thanking the police and Sergeant Quinn for attending their meeting. Parents were impressed with Officer Quinn's discussion and the efforts by the police to attend the meeting.
3. Mr. Lynch explained that calls have been coming in that a business is being operated from a home, on Columbus Ave. The Building Inspector was called in and there is a temporary structure there but it meets zoning guidelines. No Violations have been found. Street signs are also in the yard and Police are looking into whether it is a public safety issue or a criminal issue.
4. Selectman Newcomb asked Mr. Lynch whether the $2.5 million dollar budget gap included the school department figure. Mr. Lynch replied that it did include the school budget figures.
5. Selectman Newcomb stated that before the state speaks about an income tax cut, local aid must be restored. It was also suggested that a possible invite to local representatives to the BOS meetings would be a good idea. Mr. Lynch stated he was confident that the Town could get through FY06 but FY07 is a concern if there is no money from the state. Selectman Eliopoulos suggested that

representatives come out to hear budget concerns. Mr. Lynch stated he is trying to avoid staff layoffs. Selectman Dalton asked if the Town would be able to maintain the same level of services throughout the community. Mr. Lynch replied that it would be very difficult to maintain the current level of service. Selectman McCall asked if Chelmsford is worse off because we have been more financially prudent than other communities. Mr. Lynch stated that where the Town gets hurt is with Chapter 70 money because it is based on a past formula. Mr. Lynch stated that the outcome of Hancock vs. Massachusetts would have an impact on the Chapter 70 formula, and Chelmsford will not fare well with a new formula.

6. Selectman Newcomb stated that there is still some discussion on whether to relocate the central offices and are looking at all the options. Once these issues start to be settled renovation can begin in the summer. Using modular classrooms leaves a storage problem while renovations are occurring. There was some discussion on where to store materials. Selectman Eliopoulos mentioned that Modern Continental has a building which they will no longer be using once the Rte 3 project is complete. Selectman Eliopoulos will look into asking Modern Continental and get back to the Board.

Selectman Dalton made the following referrals:

1. Selectman Dalton met with the Affordable Housing Committee and is awaiting the final plan to give to the Board and then to the community.
2. There was an accident at Drum Hill Rotary between a smaller car and a van. Selectman Newcomb also mentioned that there are no road lines on Rte 129 over Rt. 3 Bridge.
3. Mr. Lynch stated that signals are up at Golden Cove but have not been turned on and Mr. Lynch is waiting for an update.
4. Selectman Dalton mentioned the election of Mr. Lynch to the MIAA Inc. board for a 3 year term.
5. Selectman Dalton stated that on Thursday the Housing Authority take over the 202 Project in North Chelmsford.

Chairman Eliopoulos made the following referrals:

1. Selectman Eliopoulos asked about Red Wing Farm. Mr. Lynch responded by stating that he is waiting for the Historical information on the property and then will put it out to bid. Selectman McCall mentioned that writing had been found on a beam that dated back to 1700's.
2. Selectman Eliopoulos mentioned the Winterfest wine tasting and the presence of many former Selectmen. Mr. Lynch stated that the former Selectman will be marching in the 4th parade and invites are going out.
3. The staff has done a great job with winterfest.

Press Question:
Jenn Myers of the Lowell Sun asked what was the proposed site for Sound Barriers. Selectman Eliopoulos stated the location was at Rt 3 and 140..

Motion: Selectman Newcomb made a motion to move into Executive Session at 8:15pm. Selectman Dalton seconded. Motion unanimously carried.

N ext scheduled meeting is February 28, 2005.

Respectfully Submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

February 28, 2005

7:00 p.m. **Call to Order - Pledge of Allegiance**

Public Service Announcements
- Proclamation: Town of Chelmsford Scholarship Month – Neal Lerer

Open Session
- Introduction to Candidates for Board of Selectmen

Minutes of BOS Meetings
- Selectmen: December 13, 2004
- January 24, 2005
  February 7, 2005
- Executive Session: January 24, 2005

Town Manager Reports
- Presentation of FY06 Budget
- Town Meeting Warrant Draft

Town Manager Contract/Bid Awards
- Cemetery Department Truck
- Sewer Division Pipeline Inspection System

Scheduled Business

7:30 p.m. Application for a One-Day All Alcohol License: St. John the Evangelist Church

Unscheduled Business

Selectmen Referrals

Press Questions

Executive Session

Next Regular Meeting: March 14, 2005

** This meeting is televised. **

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, February 28, 2005
Town Offices, 50 Billerica Road

Attending:
Stuart G. Weisfeldt, Selectman Chair
Philip M. Eliopoulos, Selectman Vice Chair
Thomas A. Newcomb, Selectman Clerk
William F. Dalton, Selectman
Michael F. McCall, Selectman
Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the Town Manager

Public Service Announcements:
Neil Lerer addressed the Board on behalf of the Town of Chelmsford Scholarship Committee. Mr. Lerer stated that the Scholarship Fund has awarded over $800,000 since 1957, and 62 awards were given out last year. Mr. Lerer introduced Terry Gallagher, Vice President of the Scholarship Fund, to the Board. Ms. Gallagher asked that the Board recognize the Month of March in the Town of Chelmsford as Scholarship Month. Selectman Eliopoulos read the proclamation into the record. Donations may be sent to PO Box 296, Chelmsford, MA with checks made payable to the Town of Chelmsford Scholarship Fund.

Open Session:
1. Board of Selectman Candidate Alex Buck:
Mr. Buck addressed the Board, and announced his bid for Chelmsford's Board of Selectmen. Mr. Buck stated that he is the youngest of nine children and has an Engineering Degree and MBA from UMass Lowell. Mr. Buck and his wife are residents of Chelmsford and he is a Town meeting Representative, he also serves on the School Building Committee. Mr. Buck stated that he will make an effort to maintain the life and integrity of Chelmsford, and will join efforts to keep taxes down. Mr. Buck concluded his remarks with a passage from Thomas Paine.

2. Board of Selectman Candidate Sam Chase:
Mr. Chase thanked the Board and the citizens of Chelmsford. Mr. Chase stated that he has attended all Selectmen Board meetings in the last 5 years, and he is also on the Finance Committee. Mr. Chase stressed that his relationship with the Board will allow him to contribute on the first day. Mr. Chase stated that he was appointed to the Finance Committee, which has given him useful experience. Mr. Chase commented that the stabilization fund has allowed Chelmsford to maintain its level of services. Mr. Chase pointed out that the Town relys too heavily on state-aid, and that everyone benefits from a good school system. Mr. Chase commented on the 40B quotas for the town and how he will work to have the law changed to include properties such as mobile homes. Mr. Chase stated that tax classification was not the issue but the comprehensive tax policy was and that there needs to be an adjustment in the assessment process. Mr. Chase

concluded by stating that he has lived in Chelmsford with his family for over 25 years and has spent 6 years on the Finance Committee.

3. Candidate for Selectman Richard McClure:
Mr. McClure thanked the Board and stated that he was a lifelong resident of Chelmsford. Mr. McClure stated that tax classification was the major issue of the campaign. Mr. McClure emphatically stated that tax classification was not the answer but a knee jerk reaction. Mr. McClure stated that it was unfair to have business pay higher taxes when half the town budget is for education. Mr. McClure stated that a pro-active stance must be taken to spend the revenue more wisely.

4. Mr. Harrington reminded the Board that the Chelmsford Business Association is sponsoring candidates night on Thursday March 3, 2005 at the Radisson Hotel in Chelmsford at 7:30pm.

Minutes of BOS Meetings:

Motion: Selectman Eliopoulos made a motion to approve the BOS minutes for regular meeting of December 13, 2004. Selectman Newcomb seconded. Selectman McCall stated that John Adams be referred to his real name Eugene Dunby. Selectman Newcomb and Dalton Abstained. Motion Carried.

Motion: Selectman Eliopoulos made a motion to approve the BOS minutes for regular meeting of January 24, 2005. Selectman Newcomb seconded. Motion unanimously carried.

Motion: Selectman Eliopoulos made a motion to approve the BOS minutes for regular meeting of February 7, 2005. Selectman Newcomb seconded. Motion unanimously carried.

Motion: Selectman Eliopoulos made a motion to approve the BOS minutes for the Executive Session of January 24, 2005. Selectman Newcomb seconded. Motion unanimously carried.

Application for a One-Day All Alcohol License: St. John the Evangelist Church
Jane Saccke, asked the Board for a One-Day All Day Alcohol License for March 12 for St. John the Evangelist Church and that the bartender for the evening, Joe Geoffroy, is TIP certified.

Motion: Selectman Eliopoulos made a motion to approve the all Alcohol License for Saturday March 12, 2005 for St. Johns the Evangelist Church from 6:00pm to Midnight. Selectman Newcomb seconded. Motion unanimously carried.

Town Manager Contracts/Bid Awards:

1. Mr. Lynch informed the Board the Cemetery Dept. put out bids for a new dump truck. Mr. Lynch stated that 9 bids were sent out and only 1 was received from Danvers Motors with the amount of $30,496. Danvers Motors meets all specifications and came in under the proposed budget. Mr. Lynch explained that the project will be paid for through the capital budget and that the Cemetery Dept. will utilize their trust fund to reimburse the general fund for payments over a 5 year period.

   Motion: Selectman Eliopoulos made a motion to approve the award of a dump truck for the Cemetery Dept. to Danvers Motors for the amount of $30,496. Selectman Newcomb seconded. Motion unanimously carried.

2. Mr. Lynch informed the Board that he received 5 proposals for a new Sewer Division Camera to inspect the pipes through Town. The lowest bid did not meet all of the specifications. Mr. Lynch informed the Board of the bid of $41,400 from Cues Inc. will include hardware and software. Selectman McCall asked Mr. Lynch if the lower bid could be challenged and Mr. Lynch responded that it could be challenged but it is documented that the lower bid did not meet the specifications needed.

   Motion: Selectman Eliopoulos made a motion to approve award of the video inspection system to Cues Inc. for the total contract award of $41,400. Selectman Newcomb seconded. Motion unanimously carried.

Town Manager Report:

Budget:

Mr. Lynch stated that he and Kerry Spiedel have been working on the budget and have received requests from all departments and with effort have closed the budget gap to 500,000 dollars from an initial 3 million dollar shortfall. Mr. Lynch provided a summary of the FY06 Budget that he planned to present to the Finance Committee and Town Meeting.

Mr. Lynch described the 4 forms of revenue for the Town: Local Taxes, State Aid, Available Funds and Local Receipts.

1. Local Taxes: Restricted under Prop 2 ½, FY06 taxes will increase by $2.5 million; in the past year the Town received $1.3 million in new growth, for FY06 it is currently projected at $1.2 million. Mr. Lynch stated that there has not been a lot of new construction outside of Chapter 40B projects and increased assessments on personal property.

2. State Aid: The Town peaked in FY02 at $16 million in state aid. Mr. Lynch explained that the Town would receive a real increase of about $200,000 after adjusting for $258,000 of supplemental lottery monies that was received as a local receipt in FY05. Mr. Lynch stated that Chapter 70 money was cut in FY03 and has not been restored and the Town was not comfortable making commensurate cuts to the school budget. As a result the school budget has increased it's share of local resources at the expense of other budget areas and is being supported by one-time monies which is resulting in an unsustainable structural deficit. Mr. Lynch explained that this was an area that needed to be watched and corrected in the future. Selectman McCall asked if there was any discussion to redirect additional assistance money. Mr. Lynch stated that the Governor has stopped speaking about eliminating the Additional Assistance funding

0. Available Funds: Mr. Lynch stated that there is currently $1.5 million less than last year but that should change by the fall after Free Cash is certified and utilized. Mr. Lynch proceeded to elaborate on the following points: (1) The Town is not using any sewer betterment money as there is $21 million worth of work left to be done which is being funded through the use of these monies, (2) $487,000 of hotel/motel tax, which is a one-time payment, was awarded to the Town to correct deficiencies in distribution from prior years. These funds will be used to support the continued shortfall in Chapter 70 funding, (3) $400,000 overlay surplus which had been set aside for tax exemptions and abatements will be utilized to fill the gap in Chapter 70 funding, (4) In FY05 Free Cash was $1.7 million which exceeded the 15 year average of $1.4 million. The bulk of this money was placed in the stabilization fund per the established plan which had been modified in FY04 by a larger withdrawal to make up the reduction in Chapter 70 funding. Selectman McCall asked Mr. Lynch to explain to those watching what Free Cash is and how it is used. Mr. Lynch stated that any amount left over and the end of the Fiscal Year, any money not anticipated, rolls into Free Cash and then the Town appropriates this money. Mr. Lynch stated that pulling out more than anticipated from the stabilization fund affects future budgets and would hurt the investment income.

0. Local Receipts: The Excise is coming in at $4.3 million, which is an increase of slightly more than $126,000 over last year. Permit revenue is projected to be about $95,000 over last year, and investment income is anticipated to be about $165,000 above the FY05 budget. Other local receipt accounts are expected to be approximately the same as in FY05.

Expenditures: Mr. Lynch stated the final budget to be $89 million. Mr. Lynch stated that municipal administration is down $17,000 and there was an elimination of a position in the Assessors Office through attrition and a consolidation of other Finance Department staff and the overall increased use of technology. Mr. Lynch added that a general hiring freeze is in place within all Departments recognizing that some positions needed to be filled for efficient and cost effective operations.

Public Education:

0. Nashoba Tech. is up by $200,000, but this is not the final number. Mr. Lynch explained that it is a state formula that determines the contribution from Chelmsford and communities with the largest amount of students pay more; Chelmsford is one of the larger communities. While there has been some discussion of a Nashoba increase above minimum contributions Chelmsford's representatives had indicated opposition to such an action in private discussions.

0. Chelmsford Public Schools school superintendent's budget is $600,000 higher than last year. Mr. Lynch also commented on how the maintenance number is subtracted from the final figure and that collective bargaining is continuing with the maintenance group.

Public Safety is funded at existing staffing levels but does not include salary adjustments for patrolmen or firefighters due to continued contract negotiations.

Public Works has also by $712,000 due to the shift of the creation of the Municipal Maintenance Department, increased sewer flow and costs which are covered by user fees in our revenues, and solid waste increases with the expiration of all related contracts. There are efforts in negotiations with vendors which may save some money. Mr. Lynch stated that it is in discussion to have a one day collection. Mr. Lynch also stated that leaf pick-up would be looked into because not many use the service. Selectman Eliopoulos suggested a leaf drop off instead of collection. There are also discussions of how to reduce solid waste through increased recycling. Mr. Lynch stated the state is encouraging communities to adopt Pay as You Throw programs which use market force to get people to recycle more. However, Chelmsford was one of the first in the state to initiate such a program but reverted to a tax funded service in 1993 through a Prop. 2 ½ override. It isn't practical or appropriate to go back to a PAYT program. Selectman McCall stated that there are laws on what you can and can not throw away but it has no teeth.

In Community Services the largest increase is in Elder Services as a result on decreased contributions by the Friends of The Senior Center due to a decrease in their investment income. The Health Department is increased to allow for increased hours by the PT Inspector per the agreed to phase in plan with the Board of Health.

Undistributed Costs are the largest increases within the FY06 Budget basically utilizing all of the growth in local property taxes. Health Insurance is up 31% and the Middlesex Retirement assessment is up 15%. Chairman Weisfeldt asked why the Town can not shop around for another plan. Mr. Lynch replied that there are not a lot of choices and that MIIA is not a bad plan for the town. If the Town were self insured it would be up 50% over the last three years versus MIIA, which has increased by 39%. Selectman Dalton asked what other communities' insurances looked like. Mr. Lynch stated that all communities are up but their average is 21% increase but that a more important number is the actual premiums. In Chelmsford's case we had lower than average premiums but

increased claims and utilization trends have forced us closer to the average. Selectman McCall asked if the Town employees could pick up more shares of their health insurance. Mr. Lynch responded by stating all options are being looked into. The Town has paid out over $9 million in claims from Sept. 2003- August 2004. Mr. Lynch stated that as of July 1, 2003, there were 575 retirees -now there are 659. Mr. Lynch stated that people are also living longer making the numbers of retirees grow each year. This trend of increasing retiree health insurance costs along with our unfunded liability in pension costs are the budget busters that need to be recognized and addressed in some manner.

In summary, Mr. Lynch stated that there is a structural deficit problem which needs to be addressed in the immediate future. Reductions have continued to be made. As an example, personnel for non-school departments has gone from 258 FTE's in 2001 to 242 employees in 2006. For the School Department it grew from 697.5 FTE's in FY01 to 711 in 2002 but had decreased to 683 FTE's in 2005. Mr. Lynch stated that the recent Hancock court decision was good news for Chelmsford, because there will no adverse revision in the already poor state formula for Chapter 70 money. Selectman Eliopoulos suggested bringing in the state representatives to a meeting to hear the concerns before they go in and vote on a budget. Selectman Newcomb agreed and stated that the Town should voice what it needs. Mr. Lynch concluded by stating that the budget will go to the Finance Committee this week.

Warrant:

Mr. Lynch presented the board with the Town Meeting Warrant and read it over with the Selectmen. Mr. Lynch asked the Selectman to vote to post it as presented.

> **Motion:** Selectman Eliopoulos made a motion to approve Town Meeting Warrant with a change in Article 29 adding eminent domain. Selectman Newcomb seconded. Motion unanimously carried.

School Central Administration:

Mr. Lynch stated that the space in Town Offices does not meet the needs of the School Administration. An alternative plan is being discussed to renovate and expand the old police station building currently serving the Sewer Division and a School Dept. program for use by Central Administration. Selectman McCall asked if there is a structural problem with the old police station building, wouldn't it be more prudent to knock the building down and rebuild? Selectmen Weisfeldt asked about previously discussed plans for a new central fire station at this site. Mr Lynch indicated that the initial plan had been to make available for central administration but that initially the School Department was not interested in the site leading to the current use and preliminary discussions of the fire station. However, due to site restrictions, a preference for a site north of Drum Hill and likely political opposition to the closure of the North station the Fire Station plans were increasingly unlikely. Mr. Lynch stated that many options have been and are being reviewed but that this option was the one that he was leaning towards. Selectman Newcomb stated that the administration offices must move out of the High School in a timely manner to allow renovations to begin. It was agreed that future discussions would be held regarding this matter.

Other Items:
Mr. Lynch stated that he is talking continuously with Princeton Property to settle the Riverneck Road project.

Charter:
Mr. Lynch proposed the appointment of a committee to review the charter to report back in September. Selectman Dalton wanted to know how this committee would impact the petition currently in progress. Mr. Lynch indicated that the Committee would not impact the petition process directly but could result in a determination that the more involved formal process is not needed if there aren't identified problems requiring a Commision. Conversely, the Committee could identify issues that require the formal Charter review process thereby bolstering the petition process. Selectmen Newcomb indicated a preference for an elected Commission that would be able to take on all issues of a charter revision per the statute. Selectman Dalton then asked that if a committee is appointed and decide there is no need for a charter review will the charter ever be reviewed? Mr. Lynch stated that any committee looks at the same questions and this committee can have opportunity to see what the issues are and help recommend what further steps need to be taken. Selectmen Newcomb indicated that the elected commission would be seen as more independent in making charter changes. Selectman Eliopoulos asked what would be rewritten by the Commission that couldn't be reviewed by a Committee. Selectman Newcomb responded by stating that no one is advocating a rewriting but to look for recommendations. Selectman Eliopoulos stated that there is no guarantee all of the signatures will be collected which could result in a lack of a review of Charter issues as identified by the Board as a goal.

Selectman Referrals:
Selectman McCall made the following referrals:

1. Selectman McCall asked Mr. Lynch about a business in N. Chelmsford - Alambique -if they have forfeited there liquor license as a result of their closure. Mr. Lynch stated that a letter has gone out and if they do not forfeit their license there will be a hearing on March 28th.
2. Selectman McCall commented that the North Chelmsford Autoparts is in compliance with the Boards ruling and no cars have been parked illegally.
3. Selectman McCall stated that the Committee on Preservation will meet on March 30 to go over plans for FY06.
4. Selectman McCall reiterated the problem at Drum Hill with the need for two green arrow lights to direct drivers not to take a left turn.

Selectman Newcomb made the following referrals:

1. Selectman Newcomb stated that there will be a meeting held on March 15, 2005 at 8:00am of the Central Square Businesses. The group is meeting to discuss issues regarding the end of construction in the square and its impact and to bring possible recommendations to the Board.
2. Selectman Newcomb wanted to update the Board on the School Administration and letters to the editor in the local papers. Selectman Newcomb stated that people should try and attend public meetings on the to given comments and get

responses from the School Building Committee. Selectman Newcomb also related to the Board that the auditorium has been downsized in size from the original plans. Selectman Newcomb stated that the budget has been brought down some but there is still more work to be done. The Science areas have become more costly in order to meet education specifications causing a rise in costs. Selectman Newcomb stated that the School Building Committee is working towards different options to save money.

Chairman Eliopoulos made the following referrals:

0. A meeting with PAC on Thursday to discuss Rte. 3 and the possible deal with McDonald to get a sound barrier for residents in the proposed area.

Selectman Dalton made the following referrals:

0. Selectman Dalton had no referrals.

Chairman Weisfeldt made the following referrals:

0. Chairman Weisfeldt stated that there has been no Sewer Committee meeting.
0. Douglas MacArthur had been assigned to the Disability Commission.

Motion: Selectman Eliopoulos made a motion to adjourn at 10:24pm. Selectman Newcomb seconded. Motion unanimously carried.

The next scheduled BOS meeting is March 28, 2005.

Respectfully Submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN Work Session
Wednesday, March 2, 2005, 6:00 p.m.
Town Offices, 50 Billerica Road

Attending:
Stuart G. Weisfeldt, Selectman Chair
Philip M. Eliopoulos, Selectman Vice Chair
Thomas A. Newcomb, Selectman Clerk
William F. Dalton, Selectman
Michael F. McCall, Selectman
Bernard Lynch, TownManager
Jeanne Parziale, Assistant to the Town Manager

Also Attending:
Michael Tarello, Vision Appraisal Technology
Jay Taranto, Vision Appraisal Technology
Frank Reen, Town Assessor
Rich Bowen, Kopelman & Paige Law Firm
Dave Sperry, Tax Classification Committee
John Duffet, Tax Classification Committee

Mr. Tarello began the presentation to the Board by stating the climate at the Massachusetts Department of Revenue (DOR) and how it approaches evaluating residential and commercial properties, within the I-495 belt. Mr. Tarello stated that the DOR must attempt to access property over a nine-year period, and every three years the Town is required to update the values. Mr. Tarello then explained that there is also an Interim Adjustments period, which looks at the lease and sales information then readjusts rates without a site visit. Interim Adjustments were not forced until 2005. Mr. Tarello stated that the Co-Efficient of Dispersion was a less accurate measure.

Mr. Tarello went on to explain the three approaches to reach a fee simple market value, which are subject to limitations; Sales Approach, Cost Approach and Income Approach. Mr. Tarello stated that most sales of commercial property do not reflect the market value. When assessing commercial properties all three approaches are used but relying on the income sales data is limited.

Mr. Tarello reviewed the Board on residential values from 1/01 to 1/04 in condos and single family homes. There has been a 50% increase in value in condos in this time period and a 32% increase in single family homes. Mr. Tarello stated that there was not a lot of data for commercial property condo sales so the income approach is used.

Selectman Eliopoulos asked what checking can be done on surveys that go out to gather information on commercial properties. Mr. Bowen explained that there are two statutes addressing this issue; Chapter 59 sec 38 and 61A. Mr. Bowen stated that the Appellate Tax Board is reluctant to enforce theses statues and found the remedy is the legislature

remedy is the legislature putting more teeth into it. Selectman Eliopoulos asked if someone files for abatement, can the Town ask for lease and expense records. Mr. Bowen replied by stating that a small number of lawyers practice this type of tax law.

Selectman Newcomb asked if Mr. Tarello could walk the Board through how he and his group evaluate commercial properties. Mr. Tarello started by stating that he would make sure all of the information is correct. Then he would establish a Market Vacancy Rate by comparing similar sized buildings, followed by setting an economics or market guideline and adjust for utilities and location of offices. Finally if the building has trouble renting and has a high vacancy rate; sales do not happen as frequently as residential; therefore sales data is looked at.

Selectman McCall asked how vacancy rates can be determined on properties that are constantly occupied, and how it is justified that this property gets an automatic rate. Mr. Tarello stated that the uniqueness of the property is looked at over the holding period and then the average of that period is applied. Selectman McCall followed up his question by pointing out the abandoned properties in Chelmsford and the high selling price and how the vacancy rates apply. Mr. Tarello responded by stating that the competition of supply and demand fuel the motivation and every property will not rise based on one sale.
Selectman Dalton pointed out that in the mid 1990's, the dot com businesses sold over the assessed price and if these numbers are used to get a real value. Mr. Tarello responded by stating that this value was true for its time period. Mr. Tarello stated that the real estate market is like the stock market, it goes up and down, and that all of the data is analyzed.

Selectman Newcomb stated a discussion of Tax classification has begun because of the wide disparity between assessment and sales of residential and commercial properties and asked why such a disparity exists. Mr. Tarello replied that there are many reasons for this. Mr. Sperry stated that many commercial properties have leases that have 8-9 years left on the space that was purchased.

Selectman Eliopoulos asked if Mr. Tarello thought there was an assessment problem in Chelmsford. Mr. Tarello replied that he did not know, and that 2 years ago it was where it should be at 90%. Mr. Reen stated that he thought there was no problem and that there has been no dramatic change in commercial and residential properties. Selectman Eliopoulos stated that the Tax Classification Committee determined a 30-40% ratio of commercial assessments and market value and that there was a sense that there was a disparity for commercial properties over 1 million. Mr. Duffit stated that the committee cross checked and came up with disparity using 10 years of data of number of sales.
Selectman Eliopoulos asked why a comparison of the sales data is done over one year and then the assessment is for 18 months later; and if this is how the state gets within 90%. Selectman Newcomb responded by stating that the 2003 sales data is

used for assessment for 18 months later. Mr. Tarello replied that he can look at what the committee did.

Mr. Duffet stated that dealing with property means one has to deal with the method and apply to the data and then adjust based on the market - not on a specific building. Mr. Tarello stated that he would analyze the income statements and look at all of the expenses and then reanalyze. Mr. Tarello followed by stating that looking at the history of the data and that when an assessor qualifies a sale a lot of it is based on a lease fee value and that few actual sales are fee simple sales that adjust up or down.
Selectman Newcomb stated that based upon the information from the committee and speaking with Mr. Reen that there are wide variations between assessment and the sale price. Mr. Tarello replied that most sales of commercial property are indicative of value when adjusted fee simple value. Mr. Bowen added that one can't take property at face value but space, motivation, location etc., are factors. Mr. Duffet emphasized that there was still a difference between commercial and residential assessments. Mr. Tarello sated that there are many more variables in commercial assessment. Mr. Duffet reminded the group that residential assessments are more accurate.
Mr. Duffit stated that the sales data was taken over a ten year period to determine a market value. Selectman Newcomb added that on average the assessing price was lower than the sales. Mr. Tarello stated that the sales method has to be adjusted. Mr. Bowen added that all factors have to be investigated and that the residential is a very basic thing and there are not a lot of adjustments for those sales. Selectman Eliopoulos asked how many adjustments are given in commercial properties. Mr. Tarello stated that it is hard to say what a qualified sale is in commercial property.

The meeting ended without a motion to adjourn due to an emergency in the building.
Respectfully Submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

March 28, 2005

7:00 p.m. **Call to Order - Pledge of Allegiance**

Public Service Announcements

Open Session

Minutes of BOS Meetings
- Selectmen: February 28, 2005
- Executive Session: February 23, 2005

Town Manager Reports
- Sycamore Street
- Worthen Street

Town Manager Contract/Bid Awards
- Westland Avenue Land

Scheduled Business

7:15 p.m. **Joint Meeting with School Committee**

A. Appointment of One Representative to the Nashoba Valley Technical School Committee

B. Discussion of Old Police Station

8:00 p.m. Application for One Day Alcohol License: St. John the Evangelist Church

8:10 p.m. Application for Common Victualer License: Quiznos Subs, 83 Parkhurst Road

Unscheduled Business
- BOS Vote: Phase 4F Sewer Takings, High Street/Hunt Road Area

Selectmen Referrals

Press Questions

Executive Session

Next Regular Meeting: April 11, 2005

** This meeting is televised. **

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, March 28, 2005, 7:03 p.m.
Town Offices, 50 Billerica Road

Attending:
Stuart G. Weisfeldt, Selectman Chair
Philip M. Eliopoulos, Selectman Vice Chair
Thomas A. Newcomb, Selectman Clerk
William F. Dalton, Selectman
Michael F. McCall, Selectman
Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the Town Manager

Also Attending:
Evelyn Thoren, Thomas Mills, Angelo Taranto, Sheila Pichette and Kevin Porter

Open Session:
Eugene Dumdey, resident - 58 Richardson Rd., again addressed the board to look into the misspelling of the word "counsel" in the state constitution on the state's web page. Selectman Newcomb responded by stating that did not receive a link with the e-mail sent to him by Mr. Dumdey. Mr. Dumdey claims that the "judges" say John Adams made the mistake and the word should be spelled c-o-u-n-s-e-l not c-o-u-n-c-i-l. Selectman Newcomb stated that he needed to see it on the web page, but he will look into the matter. Mr. Dumdey wanted the Board to know that the State constitution needs to be taught in the schools, and it is up to the Board to enforce the laws. Selectman McCall added that he would assist Selectman Newcomb with the problem.

Minutes of BOS Meetings:

Motion: Selectman Eliopoulos made a motion to approve the BOS minutes for its regular meeting of February 28th, with one amendment, striking the word "Chairman" before Selectmen Eliopoulos' name. Selectman Newcomb seconded. Motion unanimously carried.

Motion: Selectman Eliopoulos made a motion to approve the BOS minutes for executive session of February 23, 2005. Selectman Newcomb seconded. Motion unanimously carried.

Town Manager Reports:
Sycamore Street Traffic Issues
Mr. Lynch asked the Board for support on the traffic issues dealing with Sycamore Street and stated that he was working with the residents on possible solutions. It seems the street has a high cut-through volume and speed bumps have been tried in the past. It has been determined that it is not a speed issue but a cut-through problem and the Town would like to place a jersey barrier with signage to restrict access. Selectman Eliopoulos asked if the barrier was necessary and that a sign might be enough. Mr. Lynch explained

that people have ignored the signs in the past and it is hard to have enforcement there on a constant basis. Mr. Lynch stated that he has gotten a good response from the residents on having the barrier on a trial basis (90 days) and then bring back to Board to request a permanent barrier. Selectman Newcomb asked if there was enough room for emergency vehicles to turn down the street and Mr. Lynch responded that there was enough space. Selectman Eliopoulos stated that the barriers looked unsightly and Selectman McCall stated that that the permanent barrier will look better. Mr. Lynch stated that a 60 day trial is significant and, if it is successful, the Town will come back to the Board for support.

Worthen Street Traffic Issue

Mr. Lynch asked the Board to remove the morning restrictions to pass through Worthen Street.

> **Motion:** Selectman Eliopoulos made a motion to approve removing the morning one way restriction on Worthen Street. Selectman Newcomb seconded. Amended; to revisit the issue in 60 days to see if any problems develop Motion unanimously carried.

Town Manager Award/Contracts:

Mr. Lynch stated that the Westland Ave. property sold for of $10,000

> **Motion:** Selectman Eliopoulos made a motion to approve Westland Ave land sale to Tracy Allen-Capone of 5 Westland Ave in Chelmsford for the purchase price of $10,000 dollars - specifically lot 2, map 55, block 200 containing approximately 4500 square feet. Selectman Newcomb seconded. Motion unanimously carried.

Mr. Lynch stated that a list of Town-owned property was being generated to sell off land and put the money back into the stabilization fund.

Joint Meeting with the School Committee:

1. Mr. Dennis McHugh moderated and called the meeting to order. Mr. McHugh stated that a copy of the notice in search of a single regular position was released for the Nashoba School Board and one resume was received. Mr. McHugh noted that he would skip the presentation, since there was only one applicant, and he opened the meeting to nominations. Selectman Dalton nominated Sam Poulten, and it was seconded by Chairman Weisfeldt. Mr. McHugh asked for a motion to close the nominations and it was so moved by Selectman Eliopoulos and seconded by Selectman McCall. All were in favor, and the motion was carried. Mr. McHugh asked for a motion to adjourn and it was seconded by Selectman Dalton. Motion carried.
2. Discussion of Old Police Station.

Mr. Lynch introduced Dr. Moser, School Superintendent, to discuss the moving of Central Administration to the old Police station.

Dr. Moser stated that he had met with an architect and contractors and discussed the cost and timeline of moving Central Administration to the old police station. An estimate of $900,000 was given to remodel the old building and add on new construction. Dr. Moser referred to a diagram to show the extra square footage needed to be added to the old building of 3,000 sf, totaling 10,000 sf. Dr. Moser stated that the timeline discussed was possible, allowing construction to begin in the high school on the science labs. Dr. Moser noted the access to most of the educational facilities in Chelmsford as well as the parking at the building. Dr. Moser discussed the layout of the new central administration with square footage and that the renovation will last for decades. Dr. Moser concluded that he and the school committee support this plan of renovation. Selectman Dalton asked about other options that were looked into. Dr. Moser responded there are benefits to the various plans but he is favor of renovations.

Selectman Dalton stressed that the renovation would not cost $900,000 but only grow because when renovation an older building certain problems always occur. Selectman Newcomb stated that Turner Construction gave the estimate at no extra charge and there is a $50,000 contingency. Selectman Newcomb also mentioned that the renovation allows administration to vacate the current offices. Selectman Eliopoulos had two concerns: (1) the age of the building, and (2) a 3% contingency plan. Selectman Newcomb stated that if you work the numbers the contingency is closer to 7%. Selectman Eliopoulos stated that we should learn from past mistakes when the contingency was 3-5%. Selectman Dalton stated that problems could occur when renovation such as utilities costing more money. Gary Persichetti, municipal facilities director, stated that the fire alarms system is designed to take on more.

Evelyn Thoren, school committee member, stated that there is no time to build a new building and if we go with a new building where does central administration go and where does the extra money come from.

Thomas Mills, school committee member, asked if the project has gone out to bid. Mr. Persichetti responded that it has not gone out to bid.

Angelo Taranto, school committee member, stated that he was under the impression that the Board had endorsed the plan and asked the school committee to the Board meeting to hear questions and get input. Mr. Taranto stated that time is the biggest factor. Selectman McCall stated that increases in cost have occurred in the past projects. Mr. Taranto stated that $900,000 is an honest figure.

Sheila Pichette, school committee member, stated that even if the Town goes over $900,000, the best plan is being used because it is in the best interest of the Town.

Kevin Porter, school committee member, stated he is relying on professional advice on the project. Selectman Dalton stated that it does not come down to trust but what happens when the old building is opened up.

Dr. Moser stated that the location is adjacent to the high school and middle schools and that 80% of students and ½ the schools in Town are close to the presented site.

Ms. Thoren noted the issue of another fire station and asked the Board its vision on where it will go and is the 1.5 million dollar new building is chosen where the funding will come from. Mr. Lynch stated that the money could come from the capital budget and that the central administration could rent space while waiting for the new building to be constructed. Mr. Lynch stated that options are being looked into for the fire department.

Mr. Taranto wanted to thank Stuart Weisfeldt on behalf of the school committee for his service to the Town. Selectman Eliopoulos took time to thank Chairman Weisfeldt for his 9 years on the Board and presented Chairman Weisfeldt with a plaque. Chairman Weisfeldt thanked his wife and the 9 years of all past Board members. Chairman Weisfeldt thanked the custodians, administrative people at Town hall, Fire/Police, School Department, Teachers Dr. Moser and his staff, DPW, elected and non-elected committees and the Town Manager. Chairman Weisfeldt found the most important issue over his time and in the future was "taxes, taxes, taxes." Chairman Weisfeldt concluded by thanking the voters for putting him there and taking care of him over the past 9 years.

Application for a One-Day All Alcohol License: St. John the Evangelist Church

Jane Saccke, 5 Jefferson Rd., Tyngsboro and a member of the St. John the Evangelist Church hospitality committee requested a one-day license from the Board for a St. Patrick's Day event on March 12. Ms. Saccke reminded the Board that the event was originally scheduled for April 16 from 6:00pm-11:30pm but was snowed out.

Motion: Selectman Eliopoulos made a motion to approve the all Alcohol License to St. Johns the Evangelist Church 115 Middlesex St. for6:00pm- 11:30pm on April 16 2005. Selectman Newcomb seconded. Motion unanimously carried.

Application for Common Victualer License: Quiznos Subs, 83 Parkhurst Road:

Ricardo Pimental of New Hampshire requested a license for 83 Parkhurst Rd. formerly the Old Seafood Connection.

Motion: Selectman Eliopoulos made a motion to approve the common victualer license to RAFP Corp., Quiznos Sub location 83 Parkerhurst Rd. unit 15 with Ricardo A. Pimentel from M-Sat 10-10pm and Sundays 10-9pm with 26 seating capacity. Selectman Newcomb seconded. Motion unanimously carried.

BOS Vote: Phase 4F Sewer Takings, High Street/Hunt Road Area:

Motion: Selectman Eliopoulos made a motion to acquire a fee simple interest in the property located in the town of Chelmsford being described and shown as parcel land and of the plan and title sewer easement in Chelmsford, MA High Street, Hunt Road area phase 4F Sewer dated Sept. 2004 prepared for by Richard F. Comisnsky and Assoc. Inc. copy on file in the town offices of the Town engineer incorporated here and by reference in the purpose of construction, operating and maintaining the sewer system pumping stations and all other pertinent there too. Selectman Newcomb seconded. Amended; not to exceed $11,000 Motion unanimously carried. Ammended Motion.

Selectman Dalton asked if this was the normal amount and Mr. Lynch responded that the project was longer than usual. Selectman McCall asked if there was a reason why the record shoed the land as 2 properties. Mr. Lynch responded that he would check on this and let the Board know.

Town Manager Reports Cont.:

1. Mr. Lynch stated that the budget gap has been reduced to $275,000 and there are two areas of concern: Solid Waste and health Insurance. Mr. Lynch stated that there are negotiations with solid waste and the numbers are coming in as anticipated. Mr. Lynch stated that health insurance is the biggest issue and meetings are being set up with the carrier. Mr. Lynch stated that as compared to other communitities, Chelmsford's health insurance premium in FY 05 is lower while all other Towns' premiums are increasing. Mr. Lynch finished by stating that other carriers are being looked into.

2. Mr. Lynch discussed with the Board the possibility of tracking down those who have not paid their excise tax and have cars registered in Chelmsford. Mr. Lynch also discussed identifying personal property to increase new growth. Mass Municipal Assoc. is dealing with Telecommunication taxation because a lot of is not being taxed in accordance with the state law. If the Town is able to get people to get in line with state laws then the Town could pick up and extra $ 521,000. Mr. Lynch answered a Selectman's question that cell phone towers are taxed.

Selectman Eliopoulos stated that he spoke with Governor Romney about the increasing cost of Health Insurance and the governor reported that he was working on a plan to address the problem.

2. The 350th Celebration is moving forward and the black tie in May is being planned. Mr. Lynch also noted that the World Series Trophy is making the rounds and may come to Chelmsford. Mr. Lynch also noted that the Mayor of Chelmsford England, and his wife, will be attending the black tie event on May 28th.

Selectman Referrals:

Selectman McCall made the following referrals:

1. Selectman McCall asked Mr. Lynch about the municipal lot in Vinal Square and the lot across the street from it that is used for parking. Mr. Lynch stated that he is unsure of the owner for the unpaved lot that people are using to park. Mr. Lynch stated that plans may be in the works to develop the unpaved lot. Selectman McCall noted that the municipal lot stays empty because people do not want to cross the street.
2. Selectman McCall stated his concern that the meeting with the Vision Appraisals people was not televised. Selectman Dalton suggested that the Vision Appraisals people read the Tax Classification Committees Report before the next meeting. Selectman Newcomb wanted the Vision Appraisal people to give a more detailed process of the assessments for commercial property.

Selectman Newcomb made the following referrals:

1. Selectman Newcomb stated that the meeting with the Business owners of Central Square went well. Selectman Newcomb also noted that some of the candidates campaigning in the center were taking up parking in front of the businesses. Mr. Lynch stated that the grand opening of the Sovereign Bank was April 6th and the Town is hoping for municipal parking signs in the back of the building to be put up.
2. Selectman Newcomb related to the Board that the School Building Project was moving forward and that it is now in the design development stage. Selectman Newcomb also noted a presentation is in the works for the Town to get the scope of the project and hopefully it will be televised. Selectman Newcomb stated that the architects revised the auditorium plan and made it one story that is handicap accessible. Selectman Newcomb stated that some items may be deferred because of lack of funds such as lockers, flooring, carpeting and painting. Selectman Dalton asked where these items would be deferred to and Selectman Newcomb responded by stating that the items could be deferred to the capital fund

Chairman Eliopoulos made the following referrals:

1. Selectman Eliopoulos stated that it may be helpful to invite members of the planning board to discuss Vinal Square.
2. Selectman Eliopoulos mentioned his meeting with the Governor and asked the governor about local aid. Mr. Lynch stated that through the lottery money the real amount that Chelmsford received was $150,000. The representatives were invited to the meeting but had conflicts. Selectman Eliopoulos stated that the representatives need to attend a Board meeting before the state budget is finalized.
3. Selectman Newcomb also spoke with the governor about sound barriers for the Route 3 project. McDonalds has not brought a plan yet to the state on using the site. The next meeting is April 11 where the Drum Hill Rotary will be discussed
4. Selectman Eliopoulos asked what the issues were with the Nashoba budget. Mr. Lynch stated that the budget to finance the minimum plus our share of transportation, capital and debt, which is required by the state.
5. Selectman Eliopoulos urged residents to go out and vote on April 5th.

Selectman Dalton made the following referrals:

1. The Affordable Housing Committee will meet April 14th at 8:00pm
2. Selectman Dalton stated that at North Village there is one wheelchair accessible unit left for 62 and older residents and the phone number to call is 978-256-7425 x27 for an application.
3. Affordable Housing was able to keep units affordable between $175,000-$185,000. Three families have graduated from the program and have gone to purchase homes. If interested call 978-256-7425 x12 and ask for Amy.
4. Selectman Dalton stated he has worked with Chairman Weisfeldt for 9 years on the Board and a lot of good was done such as the stabilization fund and it was brought with much levity. Selectman Dalton thanked Chairman Weisfeldt for the past 9 years.

Chairman Weisfeldt made the following referrals:
1. Chairman Weisfeldt stated that there was a candidate's night on March 29th at the Police stations at 7:00pm and it will be televised

Motion: Selectman Eliopoulos made a motion to adjourn at 9:55pm. Selectman McCall seconded. Motion unanimously carried.

Next scheduled meeting is April 11, 2005.

Respectfully Submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES – REORGANIZATION MEETING
Monday, April 7, 2005 at 7:02 p.m.
Town Offices, 50 Billerica Road

Attending:
Philip M. Eliopoulos, Selectman Vice Chair
Thomas A. Newcomb, Selectman Clerk
William F. Dalton, Selectman
Michael F. McCall, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the Town Manager

SCHEDULED BUSINESS

Board Reorganization
Vice Chairman Eliopoulos opened the nominations for Chairman. Selectman Dalton nominated Philip Eliopoulos for the position of Chairman. Motion seconded by Sam Chase. Vote was unanimous to approve.

Chairman Eliopoulos assumed the duties as Chairman of the Board of Selectman and opened the nominations for Vice Chairman. Selectman McCall nominated William Dalton for the position of Vice Chairman. Motion seconded by Sam Chase. Vote was unanimous to approve.

Chairman Eliopoulos opened nominations for Clerk. Selectman Dalton nominated Michael McCall for the position of Clerk. Motion seconded by Sam Chase. Vote was unanimous to approve.

Special Town Meeting
Vice Chairman Dalton made a motion to accept the Warrant for Special Town Meeting, Selectman McCall seconded. Vote was unanimous to approve.

Town Manager Reports
The Town Manager discussed the recent quote from Harvard Pilgrim Health Care as the Insurance Advisory Committee considers a change of health insurance from Blue Cross and Blue Shield through MIIA. Mr. Lynch announced an information session presented by Harvard Pilgrim is planned for April 14, 2005 at 4:00 p.m. and 7:00 p.m. inviting all employees and retirees to attend.

BOS Referrals

WD: Requests a list of exemptions & abatements available to taxpayers and the number of participants in each category.

TN: List of Liaison Assignments to be included in Selectmen packets prior to next scheduled BOS meeting.

There being no further business before the Board, Selectman Dalton motioned to adjourn, seconded by Selectman McCall. The meeting adjourned at 7:21 p.m.

NEXT REGULAR MEETING

The next meeting of the Board of Selectmen is scheduled for April 11, 2005 at 7:00 p.m.

Respectfully submitted,

Jeanne Parziale

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

April 11, 2005

7:00 p.m. **Call to Order - Pledge of Allegiance**

Public Service Announcements
- Arbor Day Proclamation

Open Session

Minutes of BOS Meetings
- Selectmen Work Session: March 2, 2005

Town Manager Reports

Town Manager Contract/Bid Awards
- Solid Waste For Disposal and Transportation

Scheduled Business

7:15 p.m. Presentation to Stuart Weisfeldt

7:30 p.m. Public Hearing: Street Acceptances for Town Meeting
Archambault Way, Arrowhead Circle, Buttercup Lane, and Lady Slipper Lane

8:00 p.m. Route 3 Update: John Greeley, Modern Continental

8:30 p.m. BOS Vote to Approve Municipal Purpose Loan of 2005: Kerry Speidel

Unscheduled Business
- Review of Town Meeting Warrant Articles
- Andrew J. Zabierek Memorial Bridge Dedication

Selectmen Referrals

Press Questions

Executive Session

Next Regular Meeting: To Be Announced

** This meeting is televised. **

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, April 11, 2005, 7:00 p.m.
Town Offices, 50 Billerica Road

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the Town Manager

Chairman Eliopoulos began the meeting by stating the Town Manger will be arriving shortly. Chairman Eliopoulos took time to welcome the new Selectman Samuel Chase.

Public Service Announcements: Arbor Day Proclamation
Selectman Dalton read into the record the proclamation proclaiming that the State Legislature has adopted Friday April 29, 2005, as Arbor Day. Selectman Dalton stated that the proclamation has been signed by all members of the Board of Selectmen of Chelmsford.

Lorraine Liva and Norma Gervais of the Chelmsford Garden Club stated that apple trees will be planted at the Garrison House on the 29th at 3:30 pm with refreshments afterwards. Chairman Eliopoulos added that Chelmsford has adopted a policy to plant trees in place of trees taken down.

Open Session:
Eugene Dumdey, resident- 58 Richardson Rd., addressed the Board for the fourth time to look into the misspelling of the word "counsel" in the state constitution on the state's web page. Selectman Newcomb stated that he is waiting for follow-up. Mr. Dumdey is claiming that the Attorney General's office is stating the state constitution is wrong and not what is printed on the website. Selectman McCall stated that without any claim for damages filed by the town or an individual involved because of the misspelling there is little that can be done. Selectman Newcomb stated that Mr. Dumdey needs to wait and see what comes from the e-mail Selectman Newcomb sent.

The Town Manager arrives

Minutes of BOS Meetings:
Motion: Selectman Dalton made a motion to approve the March 2, 2005, Work Session Minutes. Selectman McCall seconded. Amended sentence on second page second paragraph: Finally if the building has trouble renting and has a high vacancy rate; sales

do not happen as frequently as residential; therefore sales data is not looked at. Motion unanimously carried.

Town Manager Reports:

1. Budget: Mr. Lynch stated that there is a $275,000 shortfall and he is working with the employees with options on health care insurance. Mr. Lynch stated that the state budget (house version) will be released on Thursday and Mr. Lynch is hoping there will be an increase in local aid.
2. Mr. Lynch informed the Board that Chelmsford is moving forward in implementing a unified system for the schools and town so that payroll will be on one system, brings all of the accounting together. Mr. Lynch stated that he is working with the Department of Education and the Department of Revenue. Mr. Lynch stated that the new Town Accountant has the knowledge of the system now being put in place. Chairman Eliopoulos asked if there was any grant money available for tech assistance. Mr. Lynch responded that there is some tech assistance but not funding.

Presentation to Stuart Weisfeldt:

Chairman Eliopoulos took the opportunity to recognize Stuart Weisfeldt's nine years of service on the Board of Selectmen. Chairman Eliopoulos stated Selectman Weisfeldt has contributed with the Board as well as other organizations in Chelmsford. Chairman Eliopoulos presented Selectman Weisfeldt with a commemorative chair.

Selectman Weisfeldt thanked the Board and those who took time to honor him. Selectman Weisfeldt thanked the voters and gave his regard to the issue of cable in Chelmsford and how Tewksbury just signed on with Verizon.

Town Manager Award/Contracts:

Waste Disposal

Mr. Lynch stated his concerns with the issue of solid waste. Mr. Lynch stated that RFPs went out for other haulers for a lower rate. Some came back with a 5 day collection system. There were also some bids for a 1 day service using uniform barrels. To go to a 5 day schedule would mean to retrain the whole town and then change it back. Mr. Lynch informed the Board that Russell is a low bidder. Although there have been issues in the past with equipment, Russell is improving. Mr. Lynch told the Board that leaf pick-up would continue.

Selectman Chase stated that he agrees with the Manager's award and urged the BOS to approve Russell. Selectman Newcomb asked if the price was based on tonnage and Mr. Lynch stated that the bid was based on units and approximate number of tonnage amount. Chairman Eliopoulos asked if times got tight if the yard waste service would end. Mr. Lynch stated that a portion of it could be cut but there needs to be enough notice. Mr. Lynch stated that there needed to be a better job assessing the yard waste program to have a good count on who uses the service in Town.

Motion: Selectman Dalton made a motion to accept the Town Manager's award to Russell Disposal for solid waste in the amount of $5,965,000 for a 5 year period. Selectman McCall seconded. Motion unanimously carried.

Motion: Selectman Dalton made a motion to accept the Town Manager's award to Russell Disposal for yard waste in the amount of $166,000 for a 5 year period. Selectman McCall seconded. Motion unanimously carried.

Public Hearing: Street Acceptances for Town Meeting: Archambault Way, Arrowhead Circle, Buttercup Lane and Lady Slipper Lane

James Pearson, Town Engineer, addressed the Board to offer current information on the following streets.

Archambault Way

Mr. Pearson stated that this was a residential 4 lot subdivision that is 545 feet long and 50 feet wide. The Planning Board has approved the plan and is holding a $26,000 bond on it. Mr. Pearson stated that there is one light that needs to be erected and a cross walk that needs to be paved. Mr. Pearson noted that there is a 3 step process for any public road to be approved: 1. The Planning Board reduce the bond to zero. 2. Town meeting votes for it to be a public way and 3. It is approved by the Board of Selectmen.

Chairman Eliopoulos asked if there was anyone present that would like to speak for or against the property.

Motion: Chairman Eliopoulos entertained a motion to close the public hearing. Selectman Dalton so moved. Selectman McCall seconded. Motion unanimously carried.

Buttercup Lane

Mr. Pearson stated that this is a residential 5 lot subdivision which is 1300 feet in length with a variable width. The Planning Board has a $10,000 bond left on the property. Mr. Pearson stated that there were no major issues with this property.

Chairman Eliopoulos asked if there was anyone present that would like to speak for or against the property.

Claire F. Karlicek, resident-4 Buttercup Lane, noted that there are two detention ponds on the property that were not draining properly and that the street light was not working. Ms. Karlicek also mentioned that the Proctor Estates sign and hay bails have not been removed. Ms. Karlicek also told the board that grinder pumps were replaced for homes whose pipes had not burst. Mr. Pearson stated that he would follow-up on the detention ponds.

Carol Kelly-Suleski, resident-8 Buttercup Lane, stated that the prior remarks were all accurate and added that pipes have not been determined to be pressure treated and that the Town would be responsible. Mr. Lynch clarified by stating that anything from the

house to the street is the owners' - not the Town's - responsibility, but there are standards to be followed when installing pipes. Mr. Pearson stated that he would look into the piping issue. Chairman Eliopoulos suggested keeping the hearing open until the next Board of Selectmen Meeting on April 25, 2005.

Motion: Selectman Dalton made a motion to keep the public hearing open on Buttercup Lane until April 25, 2005 at 7:00pm. Selectman McCall seconded. Motion unanimously carried.

Lady Slipper Lane

Mr. Pearson stated that this was an 8 lot residential subdivision which is 800 feet long and 40 feet wide with a 22 foot paved sidewalk. The Planning Board has a $15,000 bond left on the property. Mr. Pearson stated that there were significant issues with this property and if they are not wrapped up by Town Meeting on April 25, 2005, then Mr. Pearson would recommend voting against.

Chairman Eliopoulos asked if there was anyone present that would like to speak for or against the property.

Stephane Vermot-Gaud, resident-5 Lady Slipper Lane, asked what the process was to become a private drive. Chairman Eliopoulos stated that it needs to meet all the requirements and that the Town will work with the developer. Mr. Vermot-Gaud stated that there were many problems with the property: 1. No Firebox. 2. Electrical Panel placement 3. No curbing at exit of street 4. Stop sign on the left side of road. Mr. Vermot-Gaud had pictures to show the board. Mr. Pearson stated that he would look into all of the issues.

Motion: Selectman Dalton made a motion to keep the public hearing open on Lady Slipper Lane until April 25, 2005 at 7:00pm. Selectman McCall seconded. Motion unanimously carried.

Arrowhead

Mr. Pearson stated that this property is substantially done and that there will be a vote at Town Meeting to accept.

Route 3 Update: John Greeley, Modern Continental

Mr. Greeley updated the Board on the projects final construction season. Mr. Greeley stated that that Drum Hill still has the most work. Ramps onto Drum Hill need to be paved and striped. Selectman Dalton asked about the traffic lights going toward Westford Road and if there could be two green arrows instead of the solid green light. Selectman Dalton is concerned that many drivers take the right from the far left lane and that two arrows may alleviate the confusion. Mr. Greeley stated that when the work is cleared up, the traffic will flow better. Selectman Dalton asked if there could be some painted pavement in the rotary. Mr. Greeley stated he would work with Mr. Pearson.

Selectman McCall asked if there was going to be granite curbing. Mr. Greeley stated that there would be granite curbing and that the cross walk will allow pedestrians to walk all

the way across. Mr. Greeley added that all of the lights have actuated push buttons for pedestrians. Mr. Greeley stated that work should be done by September.

Mr. Lynch asked about Route 129 at Mill Road and how the street signals need to be better timed. Mr. Greeley stated that he would look into this issue. Chairman Eliopoulos asked about the island that was sponsored by the Rotary Club and if this would be replaced. Mr. Greeley stated that he would speak with the Rotary Club when putting the island back together.

Chairman Eliopoulos asked about the proposal from McDonalds so the state would be more active in the consensus of the neighborhood to get a sound barrier. Mr. Greeley stated that he had no update on that issue. Chairman Eliopoulos suggested a letter from the Board to move the process along. Mr. Greeley stated that he would speak to Modern and those looking at the issue.

> **Motion**: Chairman Eliopoulos made a motion to have the Town Manager write a letter signed by the board looking for proposals to develop site off Route 4. Litigation issues have been revised by the town and the letter would move forward Modern and Mass Highway getting a proposal out of McDonalds. Seconded by Selectman McCall. Motion carried unanimously.

Chairman Eliopoulos stated that he was glad to have the opportunity to work with Mr. Greeley and that the project had gone smoothly and that Modern was always responsive to the Town concerns, and the benefit for residents has been good.

BOS Vote to Approve Municipal Loan of 2005: Kerry Speidel

Selectman Dalton made a motion that the Board of Selectmen vote to approve a Municipal Purpose Loan of 2005 as follows

Series A $5,174,000 to fund 2004 Capital Improvement Program ($2,585,000) and Sewer Construction ($2,589,000)

And

Series B $5,200,000 to refund bonds previously issued

Selectman McCall seconded the motion. Motion carried unanimously.

Update on Health Insurance:

Mr. Lynch stated that he has been looking at other options for health insurance. Mr. Lynch stated that the Town is looking at a 31% increase in premiums on the current plan.

1. To switch to a self insured plan the Town would take on some risks.
2. Blue Cross refused to provide a reinsurance rate.
3. What employees are currently on has a low copay and emergency room visit. Mr. Lynch stated that if these were increased there could be a 5% savings.

4. Employees are concerned with other vendor's doctors not being the same as their current insurance.
5. Mr. Lynch stated that a meeting with the insurance advisory committee will look at the best option for the Town and he will speak to employees. Mr. Lynch proposed a move towards Harvard Pilgrim.

Mr. Lynch stated that under Harvard Pilgrim proposed benefits will match the BC&BS plans affecting drug coverage, wellness programs and doctors. Mr. Lynch stated that Harvard is a highly rated insurance carrier. Selectman Dalton asked if this would be a step back in terms of care. Ms. Parziale stated that health care would not change.

Mr. Lynch stated that this health care issue is a budget problem and how to deal with problem in future years is important. Selectman Chase stated that there will be seminar at the Senior Center. Selectman Dalton was concerned if retirees were getting information out to them. Ms. Parziale stated that information will go out to retirees.

Selectman Dalton asked what happens with MIIA. Mr. Lynch stated that it will continue to exist and that the rates are comparable to what is out there. MIIA is a not for profit business which needs a large amount of communities on its plan.

Andrew J. Zabierek Memorial Bridge Dedication:
Chairman Eliopoulos stated that the bridge over 495 will be dedicated the Andrew J. Zabierek Memorial Bridge on May 7, 2005, Saturday 2:00pm. Mr. Zabierek lost his life in Iraq on TIVO. Chairman Eliopoulos stated that all Chelmsford men and women that served in armed forces should be issued a certificate of appreciation recognizing all that they have done.

Review of Town Meeting Warrant Articles:
Mr. Lynch outlined the articles and then the Board made motions to approve the following:

Article 1 refers to specified reports
Article 2 refers to $150,000 to the Finance Committees Reserve Fund
Article 3 refers to $25,000 sand purchase
Article 4 refers to late bills (none at this time)
Article 5 refers to the annual audit budget number of $30,000
Article 6 refers to the transfer of money into the operating budget from the wetland special reserve fund of $7,500
Article 7 refers to 2 million from the stabilization fund to offset the debts and interest from FY06 budget

Motion: Selectman Dalton made a motion to approve articles 1-7. Selectman McCall seconded. Motion unanimously carried.

Article 8 refers to the town budget, which will be presented at Town Meeting

Article 9 refers to the sewer enterprise fund set up as a separate enterprise, which will be presented at Town meeting
Article 10 is withdrawn
Article 11 refers to the revolving fund for the council on aging Trip fund
Article 12 refers to the old police cruisers being sold to purchase new cruisers
Article 13 refers to a revolving fund for administering services of the Sealer of Weights and Measures.

Motion: Selectman Dalton made a motion to approve articles 11-13. Selectman McCall seconded. Motion unanimously carried.

Article 14 refers to the capital budget of $2,441,000 and 2.5 are the target number and borrowing 2.3 million. The Board will hold this item.

Article 15 refers to the $18,000 sale of lots and graves to the improvement and development fund

Motion: Selectman Dalton made a motion to approve article 15. Selectman McCall seconded. Motion unanimously carried.

Article 16 refers to the town's preservation fund. On hold until Town Meeting
Article 17 refers to the community housing water connection at 202 Sheila Ave. On Hold till town meeting

Article 18 and 19 are being put on hold

Article 20 refers to the swap of some drainage easements

Motion: Selectman Dalton made a motion to approve article 20. Selectman McCall seconded. Motion unanimously carried.

Article 21 refers to the demolition delay by-law and Mr. Lynch is working with the Historical Commission and will present their concerns at Town meeting.
Article 22 refers to zoning modifications and new lines being drawn up using the GIS system

Article 23 refers to the air quality

Motion: Selectman Dalton made a motion to approve article 23. Selectman McCall seconded. Motion unanimously carried.

Article 24 refers to the modifying of landscape requirements
Article 25 refers to the amended site plan review process and Mr. Lynch suggested waiting to vote until it can be fully discussed.
Article 26 refers to defining of some definitions and there was a hold placed on this item.

Article 27 refers to the correction of numbering

Motion: Selectman Dalton made a motion to approve article 27. Selectman McCall seconded. Motion unanimously carried.

Article 28 refers to a by-law of historical interpretation. Hold until more information is gathered.
Article 29 refers to the self storage zoning. Now it is limited to limited industrial zoning areas. Hold on this item.

Article 30 and 31 refer to signals at North Road that allows easement to occur.

Motion: Selectman Dalton made a motion to approve articles 30 and 31. Selectman McCall seconded. Motion unanimously carried.

Article 32 refers to the acceptance of land given to the Town as a gift that is supported by the planning board.

Motion: Selectman Dalton made a motion to approve article 32. Selectman McCall seconded. Motion unanimously carried.

Selectman Referrals:

Selectman Newcomb made the following referrals:

1. Selectman Newcomb discussed the relocation of the School Administration Central Offices. Mr. Lynch stated that the relocation issue will be addressed at Town Meeting. Mr. Lynch stated that what to do next with the Middle School and Elementary schools also needs to be discussed.
2. Selectman Newcomb also asked if there would be a sidewalk connecting to the bike path near the ginger ale factory. Mr. Lynch stated that it was on the list but was omitted from the state project.
3. Selectman Newcomb noticed street lights on Billerica Rd are broken. Mr. Lynch stated that he was aware of the problem, and it is up to the state to pay.
4. Selectman Newcomb stated that he has received some e-mail regarding Chestnut Street and has spoken with the chief and Jim Pearson and they are looking into a way to address the issue with residents. Residents are concerned about increased volume on their streets.
5. Selectman Newcomb commented on the School Building Project and encouraged residents to attend weekly Wednesday meeting at 4:00pm. Selectman Newcomb noted that if the relocation project does not continue offices will have to rent, which will cost money.

Selectman McCall made the following referrals:

1. Selectman McCall asked for an update on possible sidewalk in Town. Mr. Lynch stated that they were in Phase 1 of the sidewalk program and Jim Pearson is working on a plan to present. Mr. Lynch stated that the Town has not caught up with the infrastructure needs of the community since the growth of the 1960's.
2. Selectman McCall commented on the potholes on Westford Road, Academy Way, and Mission Rd. Some residents are noting that cold patches are being put down and not sticking. Mr. Lynch stated that unless it is called in, the Town is not responsible.
3. The Community Preservation Committee meeting and public hearing was on March 30th and they will be presenting at the Town Meeting.

Selectman Dalton made the following referrals:

1. Selectman Dalton asked if it was a problem for emergency vehicles to get down Sycamore. Mr. Lynch stated he spoke to the chief and he said it was not a problem. Selectman Dalton was concerned about diverting traffic onto other roads in the neighborhood, causing other residents to be upset. Selectman Newcomb commented that at the last meeting it was decided to do a trial period and see if the barrier was working. Selectman Dalton asked if the Town was adhering to a policy. Mr. Lynch stated that the Town was adhering to a policy and that all of the steps have been taken. Mr. Lynch noted that the volume is high on Sycamore and that signs will be enforceable.
2. LRTA has been asked to attend the May 9th meeting.
3. Selectman Dalton stated that at the Tax Classification work session Vision stated that they would come back to a public meeting along with a representative from FOR, Marilyn Brown. It was determined that a date need to be set for the meeting. Selectman Dalton also suggested that the Tax Classification Committee should present their findings at the meeting and that the meeting should be televised.
4. Selectman Dalton suggested that the Board begin to meet twice a month and stick to the dates. Chairman Eliopoulos stated that a schedule should be made from May into the fall. Selectman Newcomb suggested outlining goals for the regular meetings.

Selectman Chase made the following referrals:

1. Selectman Chase stated that he has received calls concerning the issue of health insurance.
2. The tax classification issue should be in the mix with the people from Vision as well as the representative from the DOR to go through and critique classification. Selectman Chase stated that the residents are confused about the classification issue and they should work towards a tax policy.
3. There is a meeting scheduled to discuss the surplus money at Nashoba and all Town managers and selectmen are invited. Mr. Lynch stated that over the last 6 or 7 years the meeting was for Town Managers alone but has expanded to finance committees and selectmen.

Chairman Eliopoulos made the following referrals:

1. There was a Route 3 PAC meeting and the report will be at the next meeting.
2. Selectman Eliopoulos reminded residents that state and federal taxes were due.

Selectman Dalton added a referral:

1. Some senior exemptions in the law allowing adjustments has changed and Selectman Dalton to see if there was a way to give senior exemption considering the rising cost of taxes. Mr. Lynch stated that he has asked the finance committee for a report and it will be presented to the Board sometime in May.

Motion: Selectman Dalton made a motion to adjourn at **10:20pm**. Selectman McCall seconded. Motion unanimously carried.

Next scheduled meeting is April 25, 2005,

Respectfully Submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

April 11, 2005

7:00 p.m. **Call to Order - Pledge of Allegiance**

Public Service Announcements
- Arbor Day Proclamation

Open Session

Minutes of BOS Meetings
- Selectmen Work Session: March 2, 2005

Town Manager Reports

Town Manager Contract/Bid Awards
- Solid Waste For Disposal and Transportation

Scheduled Business

7:15 p.m. Presentation to Stuart Weisfeldt

7:30 p.m. Public Hearing: Street Acceptances for Town Meeting
Archambault Way, Arrowhead Circle, Buttercup Lane, and Lady Slipper Lane

8:00 p.m. Route 3 Update: John Greeley, Modern Continental

8:30 p.m. BOS Vote to Approve Municipal Purpose Loan of 2005: Kerry Speidel

Unscheduled Business
- Review of Town Meeting Warrant Articles
- Andrew J. Zabierek Memorial Bridge Dedication

Selectmen Referrals

Press Questions

Executive Session

Next Regular Meeting: To Be Announced

** This meeting is televised. **

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

April 25, 2005

Location of Meeting: Senior Center

Time: 6:45 p.m.

Call to Order

Town Manager Contract/Bid Awards

- School Window Replacements

Scheduled Business

- Continuation of Public Hearing: Street Acceptances

Unscheduled Business

- BOS Vote: 3A Stillwater Drive
  Redemption of Tax Foreclosure

- BOS Vote: Cushing Place: No Left Turn

Next Regular Meeting: May 9, 2005

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

May 9, 2005

7:00 p.m. **Call to Order - Pledge of Allegiance**

Public Service Announcements

Open Session

Minutes of BOS Meetings *Tab 1*
- Selectmen: March 28, 2005
  April 7, 2005

Town Manager Appointments *Tab 2*
- Affordable Housing Committee
- Animal Inspector

Town Manager Contract/Bid Awards *Tab 3*
- Solid Waste Disposal Contract

Scheduled Business

7:30 p.m. Application for Local Initiative Program: Woodland Square Development *Tab 4*
262 – 264 Littleton Road

7:45 p.m. Water District Annual Presentation

8:15 p.m. Petition of Mass Electric Company to Install Conduit on Steadman Street *Tab 5*

8:20 p.m. Application for a One-Day Beer & Wine License, 350th Black Tie Affair *Tab 6*

8:25 p.m. Application for a Common Victualer License, Rosie's Diner, Vinal Square *Tab 7*

8:30 p.m. Application for a Common Victauler License, Joanne's Kitchen *Tab 8*

Unscheduled Business

Selectmen Referrals

Press Questions

Executive Session

Next Regular Meeting: May 23, 2005

** This meeting is televised. **

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, May 9, 2005
Town Offices, 50 Billerica Road

Attending:
Philip M. Eliopoulos, Selectman Chairman
Thomas A. Newcomb, Selectman
Michael F. McCall, Selectman Clerk
Samuel Chase, Selectman
Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the Town Manager

William F. Dalton, Selectman, Vice Chair was absent

7:06 pm

Open Session:
1. Kelly Beatty, President of Chelmsford Telemedia, addressed the Board with concerns of the end of Chelmsford's 10 year contract with Comcast. Mr. Beatty reminded the Board that there are other entities, such as RCN and Verizon, which the Town could investigate. Mr. Beatty also informed the Board that there is a revised federal law being floated that could eliminate local authorities from the engagement of acquiring licenses. Mr. Beatty stated that the issue is in the House subcommittee and there are hearings being held. Mr. Beatty suggested the following: 1. Write letter to federal representatives and express interest in local franchising 2. That there is a town by-law that ensures any entity telecommunication operation is required to service the whole town.

Mr. Lynch stated that a letter was already drafted and the Town is looking into other options for cable. Selectman Newcomb asked Mr. Beatty if the legislation would pass and Mr. Beatty replied that things are moving quickly.

> **Motion:** Selectman McCall made a motion that the Board has the franchising authority in the Town of Chelmsford. Issue Letters, Petition congressional delegation to continue with the local franchising of cable and telecom provides in the Commonwealth and the US. Contact Senators Kerry, Kennedy, Representative Markey and the ranking subcommittee. Selectman Newcomb seconded. Motion unanimously carried.

2. Eugene Dunby, resident- 58 Richardson Rd., asked the board to look into the misspelling of the word counsel in the state constitution on the state's web page (referring to an e-mail sent to him by the secretary of states office on 1-14-05). Selectman Newcomb stated that he is waiting for follow-up. Selectman McCall asked if Mr. Dunby could resend the URL link. Selectman Eliopoulos suggested there be a link to the state government on the Chelmsford web page.

3. Thomas Gove, resident-34 Mill Road, stated that he has lived in Chelmsford since the age of nine and this his first time at a formal meeting. Mr. Gove stated that he has tried since April 19, 2005, to have his concerns addressed. Mr. Gove stated that there is broken glass and other foreign materials on his property since the Mill Road sidewalk project has begun. Mr. Gove stated that he understands the process of taking land and removing grass to install the sidewalk.

Mr. Lynch stated that no land was taken but the Town went to the edge of the property. Mr. Lynch stated that the process is that the material is taken off-site to a stockpile and then loam is kept in the general vicinity. The lawn in stripped then the base is put in, followed by the curbing and the pavement. Mr. Lynch stated that a power rake also removes any large stones. Mr. Gove showed the Board the glass and stones he has found in his yard. Mr. Lynch stated that this material would be buried under the loam. Mr. Gove stated that the hydro-seeding has already taken place and the glass and other materials are still there.

Mr. Lynch noted that he has spoken with other neighbors and they told him that everything was going fine and that the Town has done this kind of work before with no complaints. Mr. Gove responded by stating that the neighbors were afraid to address the Board. Chairman Eliopoulos stated that the Board represents the people of Chelmsford, and if there is a concern he has never found people afraid to complain.

Mr. Gove sees the glass as a liability. Mr. Lynch stated that Mr. Pearson has been out and has responded quickly to any and all concerns. Mr. Lynch stated that someone will be out tomorrow. Mr. Lynch and Chairman Eliopoulos stated that if Mr. Gove still has any concerns to contact either of them in the next few days.

Application for Local Initiative Program: Woodland Square Development 262-264 Littleton Road

Douglas Hausler, Attorney at Lampert, Hausler and Rodman was representing the applicant under the local initiative program Woodland Square development LLC, Massachusetts Limited Liability Company whose principal is Chuck Emanuel who was present. Atty. Hausler introduced Joe Peznola from Handcock Assoc., the project engineer and the rest of the development team: Ed Marshant, the 40B consultant using HPA Association for the Architect. Atty. Hausler stated that the project is close to the mobile park past Hunt Road. Atty. Hausler stated that the project was a 36, 2-bedroom units with 1 ½ baths with a density of 8 units per acre. The Chelmsford Housing Authority has executed a memo of understanding with 25% of them being affordable units. The price would be $125,000 with a market price of $297,500. Atty. Hausler is asking the Board to endorse the local application sent on to state.

Joseph Peznola of Hancock Assoc. stated that the building is three-level townhouse units each with a garage access. There is also visitor parking in compliance with the by-laws. Sewer is also provided from Littleton Road and wetlands are buffering the property. Mr. Peznola also stated that traffic onto Littleton Road would be able to handle the additional traffic.

Selectman McCall asked if the picture was similar to units built on Littleton Road in the past. Attorney Hausler stated that it is consistent and that it comes under Chelmsford Master Plan. Selectman McCall also stated that it was truly affordable housing and the work should be commended. Selectman Chase echoed Selectman McCall's comments and added that the right step was taken so to have a minimal impact to abutters improving the area.

Water District Annual Presentation:

George Allen from Dufrane Henry, the consultant for the Chelmsford Water District introduced Chairman Ron Wetmore, Commissioner John Harrington and former superintendent Robert Doke. Mr. Allen wanted to recognize Bob Doke who has retired after 43 years with the water district. Mr. Allen also introduced the new superintendent Bob Delaney.

1. Mr. Allen stated that level 1 water conservation of water will start on May 15, 2005 and end October 15, 2005. Mr. Allen stated that this conservation has worked very well in the past.
2. Mr. Allen referred the board to a diagram of the 3 separate water districts in the Town, the oldest being in North Chelmsford which services 24% of the Town. The East Water District services 6% of the Town. The Chelmsford Water District services 70% of the Town.
3. 1.16 billion gallons of water in 2004 were pumped. On an average day 3.1 million gallons are pumped, with a maximum of 4.77 million gallons per day.
4. Meadow Brook Road well supplies most of the water for the Town and in 2005, 2 wells from Canal Street will go on line supplying Chelmsford with more water.
5. Metered water in the Town is 79% residential, 12% commercial, 8% industrial, and 8% municipal. The water district also provides the Town additional services for no charge such as hydrant maintenance and repairs.
6. In 2003 the water district had 78 repairs to various pipes which 70% was related to construction.
7. Neighboring towns have had problems with their water. Chelmsford has had no problems and specifically no storage problems.
8. A second treatment plant will be built off of Crooked Spring Road on district property.
9. The Water District will have a vehicle in the parade and will be passing out treated water.
10. The Water District has an Emergency response plan. Chairman Eliopoulos asked if the response plan is coordinated with other bodies. Mr. Allen responded that the Water District is coordinated with the state plan which is not public.
11. The Water District Plant removes iron and magnesium and other volatile organics.

Petition of Mass Electric Company to Install Conduit on Steadman Street:

David Busy, Design Technician asked the Town of Chelmsford to allow primary electricity to new building on Steadman Street with underground service 55-1. Mr. Lynch stated that this plan was reviewed by Jim Person.

Chairman Eliopoulos asked if there was anyone present to speak for or against this petition.

Motion: Chairman Eliopoulos made a motion to close the public hearing. Selectman Newcomb seconded. Motion unanimously carried.

Motion: Selectman McCall made a motion to approve the placement of 40ft of conduit to a new pole 55-1 as seen on the MA electric plan # S834 for Steadman Street. Selectman Newcomb seconded. Motion unanimously carried.

Selectman McCall asked if there could be anything done to speed up lights working on Golden Cove Road and traffic lights on Route 129. In regards to the Route129 lights, the highest wire needs to be moved by Mass Electric before the lights are turned on. Mr. Lynch stated that Mass Electric was working on moving poles. Mr. Busy stated that he would contact Mr. Pearson and Mr. Lynch with the follow-up answers.

Application for a One-Day Beer & Wine License, 350th Black Tie Affair:

Mr. Lynch requested to the Board that the license be granted.

Motion: Selectman McCall made a motion to approve a one-day beer/wine license for the Town of Chelmsford 350th Steering Committee on May 27, 2005 from 7:30pm-midnight. Selectman Newcomb seconded. Motion unanimously carried

Application for a Common Victualer License, Rosie's Diner, Vinal Square:

Bridget Darling, 122 Lafayette St., Lowell MA speaking on behalf of her mother, Rose Ann Gauthier, requested a Common Victualer License for the former Holy Cow Restaurant. Selectman Chase asked if the hours have remained the same, and it was determined the hours would remain the same. Selectman Newcomb asked is the floor plan would remain the same. Ms. Balloon stated that it would be changed and she would give the copy to the Town Mangers Office.

Motion: Selectman McCall made a motion to approve the Common Victualer License for Rosie's Diner formerly the Holy Cow Café located in Vinal Square, N, Chelmsford for the hours of 6:00am-9:00pm weekdays and 6:00am-3:00pm on Sundays; approval contingent upon the submission of a seating plan and final preview by the building inspector of seating capacity. Selectman Newcomb seconded. Motion unanimously carried

Classification and Charter Review Work Sessions:

Charter Review

Mr. Lynch stated that since the meeting at the senior center there has been some work done on the charter review issue. Mr. Lynch stated that a charter commission will be appointed and it should be a balanced membership. A report by next April's Town Meeting will be accomplished. Selectman Newcomb suggested having the report done by the 1st of the year and then reviews any recommendations by Town meeting. Mr. Lynch concluded that the committee would have a mission statement and the Board will be able to have input on it by the next meeting. Mr. Lynch told the board that the commission would have a mission statement and a membership by June 6, 2005.

Classification

Chairman Eliopoulos stated that a meeting on classification with Vision Appraisals, the Town assessor, Representative from the DOR, and the Classification Committee was being planned. Mr. Lynch stated that dates were being discussed. Chairman Eliopoulos read the proposed mission statement into the record:

1. The Board review assessment policy and procedures to enforce full and fair evaluation of residential, commercial and industrial properties.
2. The Board work to identify shortfalls in the full and fair evaluations on residential, commercial and industrial properties
3. In the event the Board finds shortfalls, the Board will evaluate potential remedies to turn to address deficiencies and positive and negative effects of deficiencies.
4. The Board adopts a written policy to address future issues with assessment.

The other Selectmen were in favor of crafting a mission statement.

Motion: Selectman McCall made a motion to formally adopt the classification assessment mission statement as presented with the original date of March 25, 2005, which was previously read into the record by Chairman Eliopoulos. Selectman Newcomb seconded. Motion unanimously carried.

Minutes of BOS Meetings:

Motion: Selectman McCall made a motion to approve the March 28, 2005, meeting minutes. Selectman McCall seconded Motion unanimously carried.

Motion: Selectman McCall made a motion to approve the April 7, 2005, meeting minutes. Selectman McCall seconded Motion unanimously carried.

Town Manager Reports:

1. Mr. Lynch stated that the Tax Exemption for the Disabled and seniors report will be discussed at a future meeting. Chairman Eliopoulos stated that the senior tax rebate program does not have many positions offered. Mr. Lynch stated that were the first in the state to do this program and still work to promote positions and opportunities.
2. Mr. Lynch stated that the budget shortfall is $183,000, and that the health insurance is the primary problem. Mr. Lynch stated that options are being looked into but employees do not want to switch over to Harvard Pilgrim but stay on Blue Cross.

   Mr. Lynch also stated that teacher retirement would be discussed at Fall Town Meeting. Mr. Lynch stated that there was some money the Town was not expecting, such as the hotel/motel money that will help close the budget gap.

   Mr. Lynch hoped that at the next joint meeting with the school committee the projected FY07-FY09 budget can be addressed because there are some concerns. Chairman Eliopoulos asked about the collective bargaining issues that expire in

FY06. Mr. Lynch stated that by closing the gap it will go back to help the employees.

3. LRTA
   Mr. Lynch stated that there would be a new route; from the mall to Lahey Clinic.

4. 350th.
   Mr. Lynch stated that on Memorial Day Weekend, a lot of events will be occurring. Chairman Eliopoulos stated that the Birthday Celebration with cake will be on May 28th. Volunteers to pass out cake can call. Mr. Lynch noted that the Mayor of Chelmsford, England, would be attending the Black Tie and will be presented a gift of a stein supplied by Harrington Liquors.

Town Manager Appointments:

Affordable Housing Master Plan Committee

Mr. Lynch stated that the following will be appointed another year through December 31 2005: Pamela L. Armstrong, William F. Dalton, Ruth E. Luna, Denise Marcuarelle, Georgi Mueller, Ray Perterson, Brain Reidy, and Andrew Sheehan.

Motion: Selectman McCall made a motion to approve the Affordable Housing Master Plan Committee stated by the Town Manager. Selectman Newcomb seconded. Motion unanimously carried.

Animal Inspectors

Motion: Selectman McCall made a motion to approve the appointment of Martin Gruber as the inspector of animals. Selectman Newcomb seconded Motion unanimously carried.

Town Manager Contract/Bid Awards

Solid Waste Disposal Contract

Mr. Lynch presented the Board with a solid waste bid from Wheelabrator for $67.50 FY06, $69.50-FY07, $71.00-FY08, $73.00-FY09, and $74.50-FY10. Mr. Lynch told the Board that this would save the Town $90,000 a year, which is already factored into the budget so it does not help close the budget gap.

Selectman Newcomb asked Mr. Lynch if there were a lot of items that could be recycled, and if there was a way to increase participation and awareness to this issue. Mr. Lynch stated that there was a new Recycle Coordinator who is focusing on contracts and to move forward to encourage recycling. Selectman Newcomb asked if there was any grant money available. Mr. Lynch responded by stating that there was old grant money which is currently paying the salary of the recycle coordinators position. Chairman Eliopoulos asked if a by-law could be created. Mr. Lynch stated that there has been some discussion about a possible by-law. Selectman McCall stated that recycling starts with the kids and that there is a value to recycle.

Motion: Selectman McCall made a motion to approve the Town Manager's award of the contract for 5 years to Wheelabrator for the Town's Solid Waste cost per ton $67.50 FY06, $69.50-FY07, $71.00-FY08, $73.00-FY09, and $74.50-FY10. Selectman Newcomb seconded Motion unanimously carried

Selectman Referrals:

Selectman Newcomb made the following referrals:

1. Selectman Newcomb stated that he attended Town Cleanup day and the turnout was good and there was less trash than last year to clean up.

Selectman McCall made the following referrals:

1. Selectman McCall wanted to respond to comments made earlier that all referrals that are made to the selectmen or the Town manager are responded to, and that no one should feel intimidated or frustrated. The selectmen are an extension of the community.

Selectman Chase made the following referrals:

1. The School Committee meeting on April 26th was held, and bus fees were discussed. The School Committee decided to determine the bus fee at a later date. The numbers of teachers per students was also discussed at the meeting School Committee Meeting.
2. The Finance Committee requested that Nashoba sends its annual reports regularly. Chairman Eliopoulos suggested a letter be sent on the Board's behalf. Selectman Chase will send outline points to Mr., Lynch to help draft the letter.
3. Selectman Chase represented the Board at the bridge dedication and the event was well done.

Chairman Eliopoulos made the following referrals:

1. Chairman Eliopoulos stated that at Town Meeting there were a lot of budget issues and encouraged the representatives by sending letters that address the budget problems. Mr. Lynch stated that he was trying to get reps to Board Meetings. Selectman Newcomb suggested that the Board have an agenda for the next meetings stating what the Board wants to ask. Chairman Eliopoulos suggested the Board e-mail with topics.
2. Chairman Eliopoulos wanted to officially reappoint Jimmy Good as the liaison to the LRTA and if Mr. Lynch could send a letter to notify LRTA.
3. Chairman Eliopoulos thanked the Garden Club for the Gazebo in Vinal Square.
4. Chairman Eliopoulos got a call from a resident who was not getting their trash picked up on Graniteville Rd.

Motion: Selectman McCall made a motion to adjourn at **9:37 pm**. Selectman McCall seconded. Motion unanimously carried.

Next scheduled meeting is May 23, 2005.
Respectfully submitted,
Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

May 23, 2005

7:00 p.m. **Call to Order - Pledge of Allegiance**

Public Service Announcements
- ATEF Annual Awards
- Update on Memorial Day Weekend 350th Activities: Marian Currier & Holly Hamilton

Open Session

Minutes of BOS Meetings
- Selectmen: April 11, 2005

Town Manager Reports

Town Manager Appointments

Town Manager Contract/Bid Awards

Scheduled Business

7:25 p.m. Peddler Exclusion Zone, Annual Fourth of July Parade: Jeff Stallard, Celebration Committee

7:30 p.m. Legislative Delegation: Discussion of FY06 Budget and State Aid

8:30 p.m. Public Hearing: Applications of Kastore Restaurant for: 1) Change in Location, and 2) Upgrade from Beer and Wine License to All Alcohol License

8:35 p.m. Application for a Common Victualer License (Continued): Joanne's Kitchen
257 Littleton Road

8:40 p.m. Application for a Common Victualer License: Over the Top Chocolate
61 Central Square

Unscheduled Business
- BOS Vote: Close Carvel Ice Cream Store Due to Non-Payment of Common Victualer License and Property Taxes for 2005
- BOS Vote: Eminent Domain Takings for North Road Signalization Projects

Selectmen Referrals

Press Questions

Executive Session

Next Regular Meeting: June 9, 2005 (Joint with SC & FinCom @ Library)

** This meeting is televised. **

BOARD OF SELECTMEN

MEETING MINUTES

Monday, May 23, 2005
Town Offices, 50 Billerica Road

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the Town Manager

7:03 pm
Public Service Announcements: ATEF Annual Awards
Evelyn Thoren thanked the Board for the opportunity to speak and for their support. Ms. Thoren was there to present the Annual Art and Technology Awards for 2005, which have been awarded since 1996. By-Laws established the Art & Technology Education Fund (ATEF) and the funds committee. Ms. Thoren also wanted to thank the Town Manager and Town Treasurer for their support. Ms. Thoren stated that there is information on the fund on the Town's web site, along with the application procedure. The purpose of the fund is to provide supplemental funding for education initatives to enhance existing curriculum. Ms. Thoren wanted to make clear that the funds are not part of the Town's school budget and are a one-time expenditure and that the money cannot create new programs. The proposals are reviewed to ensure compliance with the by-laws and any equipment acquired is the property of the Chelmsford School System. After January 1st, applications are available on-line and they are due back March 31st. There is a seven member committee including Ed Morassi, Chair; George Ripsom; Dr. Moser; Beverly Barrett; Angelo Taranto; and Evelyn Thoren, who are appointed by the Town Manager. Ms. Thoren stated that on the excise tax and real-estate tax bills there is a section where a resident can donate to the fund, as well as at the Town Treasurer's office. Ms. Thoren concluded by thanking all those who have donated to the fund.

Ed Morassi, thanked the Board and the Town Manager for the help in promoting ATEF and all those who have donated. Since 1996, $59,602 dollars has been raised in donation with interest totalling $66,187. Money is held back and put in a CD to create an annuity to fund additional grants.

The following are the 2005 ATEF Awards:

1. Carol Cummings - $750 for the Parker Middle School for the enhancing of reading comprehension. Ms. Cummings stated that the money would be spent on 15 electronic dictionaries so that students would not skip words when they read, but be able to look them up, improving reading comprehension.

2. Claire Briand, Martha Collidge, Ann Oshea, Andrea Murrel and Brenda O'Brien for the total of $575 at the Harrington Elementary School. Ms Brian stated that now the teachers have materials to aid foreign students.
3. Joan Monahan for the amount of $730 for a digital camera for Chelmsford High School. Ms. Monahan wanted to thank the Board and stated that she teaches a life skills program at the High School. Ms. Brian stated that the digital camera will help enhance the reading and writing program. Ms. Monahan also hopes it will get students involved in Best Buddies.
4. Jennifer Erdody for the amount of $657 for a CD recorder for the Parker Middle School. Ms. Erdody stated that she has taught chorus for 8 years and the recordings will make it easier for students to practice by hearing instantly what they sound like.
5. Jane Blumberg for the amount of $619 for a home reading program at Byam Elementary School. Ms. Blumberg teaches the second grade lab for students struggling with reading. Ms. Blumberg stated that 20 sets of non fiction books will give students the ability to take material home and fits with the second grade curriculum.
6. Joan Strodel for the amount of $620 for Intellitools Technology at the McCarthy Middle School. Ms. Strodel stated that this technology will let students and parents be able to practice together because the software is available through downloads.
7. Lori McDermott and Barbara Wilchare for the amount of $750 for South Row Elementary for Browse Boxes. Ms. McDermott stated that the grant will allow teachers to use the same materials at the same time.
8. Donna Peterson for the amount of $395 for South Row Elementary for spellcheckers. Ms. Peterson stated that provides a spellchecker for every classroom. Ms. Peterson stated that poor spellers are poor readers and that the spellchecker will enhance the spelling and reading of students.

Mr. Morassi thanked the Board for its continued support. Chairman Eliopoulos thanked the committee for its hard work and wanted to recognize Ed Morassi's service to the community. Selectman Dalton read a proclamation by the Board stating the following: Ed Morassi has been involved since the inception in 1996 and since then 51 grants have been given to 9 schools. Edward Morassi has been Chair of the ATEF committee since 1998 and is devoted to the ATEF. The Board of Selectmen, the ATEF committee and Chelmsford Public Schools acknowledge Mr. Morassi's 9 years of service. This proclamation was signed by all current Board Members.

Mr. Morassi thanked the Board and stated that it was a pleasure serving on a committee that supports students and wishes it success in the future.

Update on Memorial Day Weekend 350th Activities Marion Currier

Ms. Currier stated that the Mayor of Chelmsford, England, would be arriving on Thursday, May 26th. Ms. Currier stated that tickets for the Black Tie Ball are still available and if anyone is interested, call 978-250-5289. Ms. Currier outlined some events happening for the weekend. There will be a cake cutting at 3:00pm on Saturday

and a drive-in movie on Saturday night. On Sunday there will be a revolving museum on the common and an interactive mural, which is a paint by number piece. On Monday there will be a Memorial Day Parade in North Chelmsford: For any information look on line at www.chelmsford350.com.

Open Session:

1. Eugene Dumdee, resident- 58 Richardson Rd., addressed the Board and thanked Selectman Newcomb for his efforts. Selectman Newcomb stated that he sent an e-mail for clarification and the last e-mail he received stated that the website was correct. Mr. Dumdee stated that was why he was there because the original document should not be altered. Chairman Eliopoulos asked if the state book was consistent with the original document. Mr. Dumdee responded that the book and the original document were consistent with a spelling of *council*, not *counsel* which is on the website. Mr. Dumdee stated that the word *council* means having members and feels the spelling *counsel* refers to who is in charge, and that power is taken away from the individual. Selectman Newcomb stated that he will speak to someone in the secretary's office pointing out the inconsistency on the web page. Mr. Dumdee wanted to be placed on the agenda for next meeting. Chairman Eliopoulos stated that the Board should wait until it gets more information.

2. Tom Gove addressed the Board at the prior meeting and wanted to know how the Board logs incoming calls from residents. Chairman Eliopoulos stated that sometimes residents are contacted directly from the Selectmen or the issue is referred to the Town Manager. Mr. Lynch stated that there is no formal tracking system, but all calls are followed up. Mr. Gove stated that there was something wrong because he continues to get no response and that there should be a system. Mr. Lynch stated that the office was contacted with Mr. Gove's issue and the DPW made contact by going out to the property. Mr. Lynch reminded Mr. Gove that the DPW met with him and walked the property and if there were any further problems to call. Mr. Gove stated that there was more glass on the lawn and that the system has failed and wanted to know the process to solve the problem. Mr. Lynch stated that miles of sidewalk have been laid in the town and there have been no complaints. Selectman McCall stated that he did not think that Mr. Pearson would maliciously say something to Mr. Gove.

Mr. Gove also asked if the taxes for FY06-FY07 will increase. Mr. Lynch stated that problems have been identified with FY07. Mr. Gove also asked what town employees' salaries were. Mr. Lynch stated that it is all public information and it can be sent. Mr. Gove asked if the 250 computers were from the capital budget and what the total would be. Mr. Lynch stated he would send the information to Mr. Gove.

In light of time Chairman Eliopoulos decided to delay Open Session until later in the Meeting for those who wanted to speak.

Legislative Delegation: Discussion of FY06 Budget and State Aid

David Nangle, Geoff Hall, Tom Golden

Chapter 70

Mr. Hall stated that the House is deliberating on Chapter 70 money of $283,000, and the Senate is coming up with the same figures. It could be a part of the budget if the governor signs it. Mr. Hall stated that the budget should be finished by the end of June unless there is a veto. Mr. Hall stated that that the largest concern is the towns being pressed for state-aid. Mr. Golden addressed the uneven distribution of Chapter 70 money and that the Department of Education needs to look at this.

Selectman McCall stated that there are armless provisions in the Chapter 70 formula, which is held hostage and that Chelmsford was looking for a fair and equitable distribution of money. Mr. Golden stated Chapter 70 money for other towns can not be taken away but the formula has to be looked into and that the governor needs to be on board. Mr. Hall stated that the formula put in place now it is hard to change. Mr. Golden stated that there is a hearing on June 2 on Chapter 70, and any change needs to come from the bottom up. Chairman Eliopoulos noted that by just looking at the bordering towns, Westford receives twice the amount of Chapter 70 money than Chelmsford with fewer students. Mr. Golden stated that the Town needs the Department of Education and the Governor to run real numbers, but there are 350 communities in MA and it will be hard for reps to endorse a change in the formula. Mr. Nangle stated that it begins and ends with the MA Department of Education, and a letter should be sent addressing the Town's issues.

Mr. Lynch stated that Swift and Romney have suggested a revised formula in the past, and the suggestions went nowhere. Selectman Dalton asked if it has to come down to the Department of Education, why wait; and that in 1993 no one was there to advocate for the Town. Mr. Hall stated that at that time it was a political decision. Mr. Hall recommended a letter be sent prior to the June 2nd meeting with the Town's concerns. Selectman Newcomb asked the three representatives if they would commit to a yes vote to a change in the formula of Chapter 70, even if Lowell got less. Mr. Golden stated that he did not want to pit town against town, and that's not how things will get done. Mr. Lynch stated that the Department of Education has recognized the problem. The meeting on Chapter 70 will be held at the Gardner Auditorium, June 2, at 1:00pm. .

Lottery

Selectman Newcomb stated that the Town is constrained with its budget because the State Reps can go to the public with more money and the Town has Prop 2 ½. Mr. Golden commented on the lotto money distribution and how important it was to bring it back to 100%. Selectman Dalton stated that under the lottery the Town is supposed to get 100%. Mr. Hall stated that back in the 1970's the lotto money was rolled back and the cities and towns share in the good and bad times.

Classification

Selectman Dalton asked the representatives about meeting with people from the Department of Revenue to discuss Tax Classification. Mr. Golden responded that

questions should be gathered before the meeting. Selectman Dalton stated that the right information that comes up with the right data from DOR. Selectman Dalton asked if the subcommittee formed on this issue could keep contact with Mr. Golden's office.

Chapter 40

Selectman McCall asked about 40B and the lack of local control and Chelmsford long term plans taking into account its limited space. Mr. Golden stated that voters seem to support local control. Selectman Dalton noted the strain on community resources when more and more people enter the town. Mr. Hall spoke to trailer parks at some point being counted under 40B. Selectman McCall stated that the town wants affordable housing consistent with goals and to put in areas of mass transit and accessibility to people.

Misc

1. Mr. Lynch asked if there was any talk of supplemental appropriations for snow/ice removal. Mr. Golden responded that by September or October there would be more information.
2. Mr. Lynch asked if the Senate budget there was more managing controls over health insurance for local employees. Mr. Golden stated that the problem was that it is an outside session, subject to the legislative process and that the House has stepped back and is in the process of letting the whole piece through the committee and keep the bill as a spending piece. The Senate has not adopted a position on the outside piece.
3. Mr. Lynch asked if there was a bill out to change the taxation of the telecommunication facilities because they hide behind corporations. This tax could mean an additional ½ million dollars, and Mr. Lynch assumed the representatives support on this issue. The representatives stated that they would follow up on the bill.
4. Selectman Dalton asked about the insurance and if there was any way to control the rising rates. Mr. Hall stated that the insurance is a strain for all and he would support keeping health care cost down.
5. Mr. Lynch stated that there were local issues such as the bike path being put on hold. Mr. Golden suggested a letter be written
6. Chairman Eliopoulos opened the floor to Evelyn Thoren, member of the School committee. Ms. Thoren stated that she has been in contact with the state and that initiatives are being created to lobby the stated and will be getting more information to the Board on Chapter 70 money.
7. Mr. Hall commented on the railroad and how a letter was received and that some communities will be affected.

Chairman Eliopoulos thanked the state representatives for coming and hopes to have a meeting in December once the budget is finalized.

Peddler Exclusion Zone, Annual Fourth of July Parade: Jeff Stallard, Celebration Committee

Jeff Stallard stated that from 495 to railroad no peddlers will be permitted. Chairman Eliopoulos asked if the change in the parade route impacts this at all. Mr. Stallard stated

that it did not and that it is the same exclusions as last year. Selectman Newcomb asked if there were any complaints from vendors. Mr. Stallard stated that he has not heard any complaints.

Motion: Selectman McCall made a motion to approve peddler restriction zone as previously approved by the Board in past years, subject to any additions that may come forth now until July 2nd by the celebration committee. Selectman Dalton seconded. Motion unanimously carried.

Public Hearing: Application of Kastore Restaurant for: 1) Change in Location, and 2) Upgrade from beer and Wine License to All Liquor License

Gregg Haladyna, Esq. representing John Panagakis and brother Ted Panagakis who are asking for a license to relocate their current business of 110 Tyngsboro Street to next door at 100 Tyngsboro Street. Suits have been filed against Alanbique to forcibly remove them from the premises. Mr. Haladyna stated that the establishment will be a restaurant and not a lounge and they are asking for an all alcoholic license operating from 11:00am – 1:00am and 12:00noon—1:00am on Sundays. Mr. Haladyna is also requesting an entertainment license for radio and TV.

Chairman Eliopoulos asked if there was anyone present to speak for or against this issue.

Motion: Selectman McCall made a motion to close the public hearing. Selectman Dalton seconded. Motion unanimously carried.

Chairman Eliopoulos asked if there were any questions for the applicant. Selectman Dalton stated that approving the license could lead to more problems and there were no guarantees a problem would not arise. Mr. Haladyna stated that a lot of time and money was spent getting the previous owners out of the location and that the new establishment was a restaurant. Chairman Eliopoulos stated that this was the owner where previous problems came from the renters. Selectman Newcomb asked what was being done with 110 Tyngsboro Street. Mr. Haladyna stated that it would be closed up and there are no plans for it yet.

Motion: Selectman Dalton made a motion to continue the public meeting on June 6, 2005 at 7:00pm. Selectman McCall seconded. Motion unanimously carried.

Application for a Common Victualer License (Continued): Joanne's Kitchen 257 Littleton Road

No one was present to address the Board and Chairman Eliopoulos stated that a letter would need to be written that the applicants would have to reapply. Mr. Lynch stated that the Board of Health has not yet approved the site. Mr. Lynch stated that the businesses operating and a police officer will have to go out.

Application for a Common Victualer License Over the Top Chocolate 61 Central Square:

Cheryl Goquen, resident 12 Stedman St., requested a common Victualer License.

Motion: Selectman Dalton made a motion Over the Top Chocolate at 61 Central Square, Unit 4, for a Common Victualer license on weekdays 9am-9pm and

Sundays 12pm-6pm, contingent on the Board of Health and the Building Inspector. Selectman McCall seconded. Motion unanimously carried

Open Session Cont: Chairman Eliopoulos asked if there was anyone who wanted to speak.

Minutes of BOS Meetings:

Motion: Selectman Dalton made a motion to approve the April 11, 2005, Meeting Minutes. Selectman McCall seconded. Amended by Selectman Chase on page 3 to change the spelling of a resident's name. On page 4 to add the word "that" in the sentence, "Mr. Pearson stated that this is property *that* is substantially done and that there will be a vote at Town Meeting to accept."

Town Manager Reports:

1. There will be a Chapter 70 meeting for the Municipal Association tomorrow with a presentation. Mr. Lynch stated that he would get more information and report back to the Board.
2. Mr. Lynch spoke about the June 6th Meeting on Goals for the upcoming year. Mr. Lynch hoped that Kerry Spidel and Frank Reen would be there to discuss tax exemptions raised at a prior meeting. Mr. Lynch stated that maybe the tax exempted discussion could be moved to the June 20th meeting to have more time to discuss the issue. Selectman Newcomb stated that the meeting that it is discussed in should be a televised meeting to give the public an opportunity to see.
3. The traffic study on Sycamore is finished and there will be a temporary traffic calming put in place for a 60 day trial period.
4. Mr. Lynch informed the board that the Route 3 Meadowbrook Rd. House will most likely be sold and moved off site. Mr. Lynch stated that he would follow up on this issue and get back to the Board.

Town Manager Award/Contracts:

The Sewer division has rented out short term space at 5 Kidder Rd, a 5,000 square floor location. The space is renting for $3,500 a month with a yearly lease up to 3 years commencing June 1 2005.

Motion: Selectman Dalton made a motion to approve the Town Managers recommendation for Lupe Real-Estate at 5 Kidder Rd. for leasing at $3,500 a month, $42,000 a year on a yearly basis. Selectman McCall seconded. Motion unanimously carried.

BOS Vote; Close Carvel Ice Cream Store Due to Non Payment of Common Victualer License and Property Taxes for 2005:

Mr. Lynch stated that there has been no payment of a license fee and that a motion was needed to rescind the license. Mr. Lynch stated that there have been issues for years

regarding late and no payments. Mr. Lynch stated that written notification has gone out and police have hand delivered notices.

Motion: Selectman Dalton made a motion to rescind the common victualer license, finding that 2005 payment license fee has not been received, and finding that $50 tax compliance has not been received, and finding that payment of outstanding taxes has not been received with no documentation the Board of Selectmen take a vote to rescind its Common Victualer License. Selectman McCall seconded. Motion unanimously carried

Selectman Referrals:

Selectman Chase made the following referrals:

1. Selectman Chase has attended school committee meetings. The committee voted to develop a web site so people can comment on lobbying efforts for state aid.
2. Selectman Chase commented on the performance of the High School musical and how well it was done.

Selectman Dalton made the following referrals:

1. Selectman Dalton wanted the Board to meet on a regular basis (twice monthly). Selectman Newcomb stated that a good schedule has been made.

Motion: Selectman Dalton made a motion to meet regularly twice a month from September to June, meeting once in July and August. Selectman McCall seconded. Motion unanimously carried

Selectman McCall made the following referrals:

1. Residents at Golden Cove road want something done. Mr. Lynch stated that it was up to Mass Electric to work on wires so that the poles can be moved. Selectman McCall stated that the center looks great for the celebration except for the poles that have not been moved.
2. Selectman McCall asked about Chapter 70 money and the $283,000. Mr. Lynch stated that there are serious problems with the budget, particularly snow/ice deficit, collective bargaining and to have enough money for services.
3. Selectman McCall let Mr. Lynch know people were approaching him to be on the Charter Commission. Mr. Lynch wanted Selectman McCall to forward the names to review.

Selectman Newcomb made the following referrals:

1. Meeting on the School Building Project will be held on June 15 at 7:00pm at the Police Station which will be televised.
2. Items form the April 11 meeting: 1) Update on Sidewalk progress. Mr. Lynch stated that he was putting something together. 2) Replace tree after Town removes a tree. 3) Certificate of Appreciation for those who have served. Mr. Lynch stated that he would follow-up on that. Chairman Eliopoulos suggested inviting some receivers for the June 20th meeting. Selectman Newcomb stated that a system should be developed for this.

3. Selectman Newcomb suggested that a letter be sent out to the state representatives to try and get them to commit to issues discussed previously, i.e. changing the formula for Chapter 70, 40B etc.
4. Selectman Newcomb noted tree cutting in Thanksgiving Forest. Selectman Newcomb stated that he had spoken to Andy Sheehan as well as a member of the conservation Commission to make ensure nesting birds in the trees were not being thinned out. Mr. Lynch stated that he would look into this issue.

Chairman Eliopoulos made the following referrals:

1. Residents were calling on people asking knocking on doors with letters from the assessor's office looking for information. Chairman Eliopoulos stated that the letters were on Town letter head but were unsigned. Mr. Lynch stated that he would look into the problem.
2. Liaison Assignments have been made and Chairman Eliopoulos will speak to Selectmen separately.
3. If the state representatives could have a link on the Chelmsford Web Page.
4. Set up tentative date for a televised meeting with DOR, Tax Classification Committee, and Vision. Chairman Eliopoulos stated that the meeting should be in June and televised and hopefully the Board can meet with DOR before the meeting.

Press Questions:

What were the taxes owed on Carvel? Mr. Lynch responded that it was $50.

Motion: Chairman Eliopoulos made a motion to adjourn to executive session at **10.16: pm**. Selectman McCall seconded. Motion unanimously carried.

Next scheduled meeting is June 6, 2005

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN Work Session
Monday, June, 6, 2005
Town Offices, 50 Billerica Road

Attending:

Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman
Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the Town Manager

7:05 pm

Continued Hearing on Application of Kastore Restaurant for: 1) Change in Location, and 2) Upgrade from Beer and Wine License to All Liquor License:

Chairman Eliopoulos asked the Board if they had any questions regarding Kastore Restaurant. Mr. Lynch asked the owners and their representative about possible fencing. Gregg Haladyna, Esq., representing owners John and Ted Panagakis, stated that new lighting was being installed and that the fencing idea came when the previous tenants were a problem. Mr. Haladyna noted that the tenants have been removed at great expense which would defer any requirements. Mr. Haladyna stated the new lighting was to make the parking area safer. Mr. Lynch stated that any new lighting needed to comply with zoning laws and reviewed by the building inspector.

Motion: Selectman Dalton made a motion to approve the all alcoholic license for Kastore Ent. Inc., located at 100 Tyngsboro Street, with hours of operation 11am-1am. Selectman McCall seconded. Motion unanimously carried.

Motion: Selectman Dalton made a motion to approve the application for an entertainment license for Kastore Ent. Inc., located at 100 Tyngsboro Street, including radio TV cable with hours of operation 11am-1am. Selectman McCall seconded. Motion unanimously carried.

Motion: Selectman Dalton made a motion to approve the application for a common victualer license for Kastore Ent. Inc., located at 100 Tyngsboro Street, with hours of operation 11am-1am. Selectman McCall seconded. Motion unanimously carried.

Affordable Housing Master Plan:

Chairman Eliopoulos stated that the Sycamore review period is in place and nothing will be discussed until the 60-day trial period had ended.

Pamela Armstrong and Andrew Sheehan of AHMP committee:
Ms. Armstrong thanked the Board for placing the master plan on the agenda. Ms. Armstrong also thanked the members of the committee for their time and commitment. Ms. Armstrong noted that the final revisions were not on the sheets provided to the Board, but the Board will have them at a later date. There will be a public hearing June 21st in room 204 at 7:00pm where the master plan will be presented. Ms. Armstrong

concluded by stating that the final draft will have statistical data of the community and criteria such as age, income, and owner vs. renter.

Mr. Sheehan stated that the state adopted a process intended to give communities a handle on 40B. The state statute allows communities adopt a plan, which is adopted by the Board of Selectmen. **If the recommendations are followed from the plan and ¾ affordable housing increase the Town will get a 1 year reprieve.** Mr. Sheehan stated that the Town was currently at 6% Affordable Housing and the state requires 10% in order for the Town to get a reprieve from 40B.
Strategies from the committee:

1. Retain Affordable Housing Units: Some affordable housing has been lost over the years. Mr. Sheehan informed the Board that the loss was due to when projects were approved some time ago and then when they were resold they were renegotiated.
2. Adaptive Reuse: Existing building would be converted to housing, such as an old school.
3. Affordable Housing Trust Fund: Established to collect money to develop affordable housing. Selectman McCall asked if the Housing Fund could receive donations. Mr. Sheehan stated that the fund could get donations.
4. Mr. Sheehan stated that the zoning changes from the plan will be presented at Town Meeting. Multi density districts on the outskirts of the Town Center such as Littleton Road could be used for multi family districts. These can be developed as long as they are affordable housing. Selectman McCall stated that the downside is that there could be suits against the Town if the Town grants a variance. Mr. Sheehan responded by adding that a special permit, not a variance, could be given to amend the zoning by-law if it follows a set a criteria.

Ms. Armstrong stated that the Board needs to give input, then a final report will be given out. Selectman Newcomb asked what the Town's 6% rate includes for projects. Mr. Sheehan stated that the 6% does not include Robin Hill, Sterling or Old West Rd, but does include Princeton Commons. Selectman Newcomb stated that once the plan was in place, it needed to be promoted.

Charter Review Committee:
Applications for the charter committee have been received. Mr. Lynch stated that he has selected the committee and if the Board approves the committee should meet by the end of June, and their work will be due January, 2006. Mr. Lynch stated the names of the committee: Arnold Lovering, Glenn Doherty, Donald Van Dyne, Cheryl Boss, Alex Buck, Pat Wotjas, Hal Matzkin, John Thibault, Glenn Thoren. Mr. Lynch stated that he has appointed Arnold Lovering to chair the committee. Selectman Dalton asked why the committee does not choose the chair. Mr. Lynch stated that in light of time, appointing a chairman with the skill set to lead will get the ball rolling. Mr. Lynch also noted that the committee is made up of Town Meeting representatives, and the representation from the Town is good. Mr. Lynch is confident they will do a good job.

Selectman Chase stated that the group will have the flexibility to amend the mission statement. Mr. Lynch stated that he hoped the work was done in 6 months. Selectman Newcomb stated that it will give the committee the opportunity for the Board to give recommendations before the Town meeting in March.

Motion: Selectman Dalton made a motion to approve the charter review commission appointments of the Town Manager. Selectman McCall seconded. Motion unanimously carried.

Town Manager Bid Awards:

Selectman Dalton noted that bids number 1 and 2 and 10 and 13 were absent from the sheet.

Item 3 Bituminous Concrete-
Aggregate Industries- In Plant, Berm, Adjust Castings
Brox Industries-Cold Patch delivered
PJ Keating-Cold Patch picked up

Item 4 Crack Sealing
Superior Sealcoat-$3.82/gallon

Item 5 A basin Cleaning
J. parker Co.- $7.31 per basin

Item 6 Equipment Rental
G. Kohl-Roadside mower $70 per hour
Drum Hill Construction-Excavator ($115), D8Dozer ($150), D6Dozer ($110), Roller ($70), Loader ($110), 10 Wheel Truck ($59), 18 Wheel Truck ($64.50)
All include operation

Item 7 Traffic Markings
Hi-Way Safety Systems

Item 9- Aggregate
Benevento

Item 14 Cold Planing
Garrity Asphalt-$1.75/square yard

Item 15 In-Place Recycling
Murray Paving $1.23 per square yard

Item 16 Vertical Granite Curb
Allied Paving $22.85 per linear foot

Item 17 Sloped Granite Curb
DeRosa Contracting $18.85 per linear foot

Item 18 Remove & Reset Granite Curbing
Allied Paving $15.95 per linear foot

Item 19 Guard Rail
DeLucca $17.78 per linear foot

Motion: Selectman Dalton made a motion approve the Town Manger's bid awards and Highway bid awards as discussed. Selectman McCall seconded. Motion unanimously carried.

Goal Setting:

1. Mr. Lynch wanted to open the discussion with on overview of the goal setting process and reviewing FY05 goals and accomplishments.
2. Accomplishments/Efforts of FY05 included the school building project. The project has set up a committee and contracts, and has an architect and project manager on board. The Municipal Maintenance Dept. was created with great success. There are staff and labor issues that need to go through the collective bargaining process. There have been FY06 budget pressures, which are a consistent threat in FY06 and in FY07. The 350th celebration is an important time for the community to feel good about the town. The Cable RFP is close to wrapping up. Finally, the Affordable Housing Master Plan Committee is finalizing its presentation.
3. Transportation Goal: Traffic Calming Policy has been established and is being used on Sycamore. Now that a policy is in place, residents need to follow policy. The Town is working with the state to proceed with the North Road Signals. Central Square lights were turned on last June and are working well. The sidewalk projects in town are continuing. The engineering dept. is determining what is left to be done and where to go from here. Selectman Dalton asked that he has heard requests for Stedman and Smith for sidewalks. Selectman Newcomb stated that there was also a crosswalk issue on Alpine Lane. Mr. Lynch responded that he would check on Alpine Lane. LRTA will be present at the June 20th BOS meeting.
4. Fiscal Stability: Mr. Lynch stated that the shortfall in the budget was expected to grow. The Bond rating was able to be retained. The revised Stabilization Plan was presented at Town Meeting. The Tax Classification Committee is doing additional work and a meeting is being planned with DOR. The Exemption Report is ready for the Board to look over. Ideas have generated for revenue enhancement such as passport service. The purchase of streetlights will save the Town $15,000 in FY06 and once they are paid off, it will save $50,000 a year. The solid waste award went out and a bid was received for $67 per ton for a 5 year period. Health insurance went up 31%. Consolidation of Staff is leading to departments working more with less people.
5. Government Structure: A Charter Review Committee has been established. Quarterly Activity Reports are delivered to the Board in order to communicate

with the Board as to what is going on in each department. Selectman Chase suggested the departments deliver monthly reports rather than quarterly.

6. Mr. Lynch stated that Fiscal Stability was the number one priority. There is an upcoming joint meeting with the school committee and finance committee to review where we are.
7. Fire Department Strategic Plan: Mr. Lynch suggested hiring an outside consultant to navigate through structure of fire department since it has been 16 years since this was done.

Selectman Chase asked what the procedure was for defining the goals and how the defined goals relate to the Town Manager's performance. Selectman Chase also asked to what degree does the Board share in the responsibility of the goals. Chairman Eliopoulos stated that the Board should focus on the macro issues and then go back and create subcategories. Mr. Lynch responded by stating that the Board is a sounding board to make sure the staff is headed down the right path. Selectman Chase noted that the goals need to be measurable. Chairman Eliopoulos stated that the Transportation goals are more than just roads, and are prioritized differently.

Selectman Dalton asked what the Town would get out of hiring an outside consultant for the fire department. Mr. Lynch responded by stating that the fire department has not been looked at since 1989. Selectman Newcomb stated that having an outside consultant may depoliticize the issue. Chairman Eliopoulos stated that there has been talk about closing stations and this can not be done without a study. Selectman Dalton stated that most if not all of the goals fall under the Quality of Life and fire stations should be connected to where the infrastructure is tying into the Master Plan. Mr. Lynch stated that there is no expertise internally. Selectman Dalton expressed frustration with communication and getting issues such as the fire department consultant at the last minute and would like information prior to the meetings. Mr. Lynch stated that the document was being presented to the Board. Chairman Eliopoulos stated that this was a goal setting meeting and the purpose is to throw out ideas.

Chairman Eliopoulos suggested the following:

1. Assessment issues important to goals and tie into the economic stability of the community.
2. Budget FY07-FY08 looking at how to deal with revenue and expenditures and to look at how to bridge the gaps and making it a priority. Selectman Chase stated that objectives are determined to make the goals and an evaluation form can be made to measure progress.
3. Review all Board Policies by appointing a subcommittee to make recommendations. The prior Board policies need to be updated. Selectman Newcomb suggested reviewing policies on an ongoing basis with some being reviewed every year. Chairman Eliopoulos stated that it was the power of the Board to make policies and these policies need to be reviewed and the Board should start by looking at policies that give the most service to the Town.

Selectman Chase suggested an FY05 goal be how to manage the Board and the Town manager and how both do their jobs. Mr. Lynch responded by stating that evaluating the Town Manager's performance is an evaluation instrument that the Board uses tying into all areas.

Selectman Dalton was concerned with the bad economic forecast for local aid and asked what to do about it and there not being any viable options. Mr. Lynch stated that the 5 year plan ties in and it suggests where we are going to be. Chairman Eliopoulos suggested FY07 being a category. Selectman Newcomb stated that it was good that the groundwork was being laid, which lets people no that there may be a cut in services.

Mr. Lynch stated that there are many areas of the Transportation plan. Selectman Newcomb suggested keeping it transportation.

Subcommittee Reports:

Selectman Chase stated that the Tax classification committee was cross checking sales data with other communities to get a valid sample to overlay onto Chelmsford's data. Selectman Chase stated that the Department of Revenue (DOR) is reluctant to speak with him and he has sent e-mails expressing interest to meet and discuss assessment. The Board should create questions prior to the meeting. Selectman Chase suggested a public meeting if possible. Chairman Eliopoulos stated that the public needs to know that the Board is following up on this issue before the vote in November. Selectman Newcomb stated that the Town should come up with a framework and send it to DOR to let the Board know if the Town is on the right track. Chairman Eliopoulos stated that a conclusion can not come just by meeting with DOR; other meetings are needed. Chairman Eliopoulos stated that a public hearing can be held, then the vote can be put over for two weeks in order to be able to get the needed meetings. Chairman Eliopoulos wants the public to know that the Board is working toward a solution.

Motion: Chairman Eliopoulos made a motion to adjourn to executive session at **10.25: pm**. Selectman McCall seconded. Motion unanimously carried.

Next scheduled meeting is June 20, 2005

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN
Joint Meeting with the School and Finance Committees
Thursday, June, 9, 2005
Adams Library

Attending BOS:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman
Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the Town Manager
Kerry Speidel, Finance Director

Attending School Committee:
Dwight Hayward, Angelo Toronto, Kevin Porter, Evelyn Thoren, Kathy Duffit, and Tom Mills, Dr. Moser, School Superintendent

Attending Finance Committee:
Joan Kurland, Mary Frantz, John Thibault, William D Fulton, David Turocy, Dwight Hayward

7:09 pm
Chairman Eliopoulos welcomed the School and Finance Committees and stated that this was the first of several meetings. Chairman Eliopoulos stated that the three groups needed to work together to address the upcoming fiscal problems.

Jon Kurland stated that he wanted to make a special presentation to two former members of the Finance Committee. Mr. Kurland recognized Michelle Sperry's hard work as clerk of the Finance Committee. Ms. Sperry has been with the Finance Committee since 1993, and has recently retired in May of this year. Mr. Kurland presented Ms. Sperry with a plaque showing the Finance Committee's appreciation for her service.

Mr. Kurland also recognized Sam Chase's invaluable participation as a member the Finance Committee. Mr. Kurland presented Mr. Chase with a plaque from the Finance Committee for his many years of service.

Presentation by Bernie Lynch:
Mr. Lynch began with an outline of the meeting: Review of FY06 presented by Mr. Lynch; Financial Trends presented by Kerry Speidel; and the School Dep't. Presentation by Dr. Moser. Mr. Lynch reminded the group that the next joint meeting will be held October 6, 2005.

Mr. Lynch stated that the current budget deficit would be $183,834. Money may become available through the state through a chapter 70 increase of $283,000. How the money

will be divided was addressed and it was decided to split the amount 50/50 with the School Department to help pay down the deficit. The remaining balance of the deficit is then $42,334. Mr. Lynch noted that one additional budget expenditure was the police/fire collective bargaining, which is still not settled and is in arbitration.

Mr. Lynch presented the budget distribution model and stated that until the economic slowdown, the model worked quite well.

Mr. Lynch presented the target numbers in comparison with the actual numbers for prior fiscal years. Starting in FY02 the target number would be under the actual number but because of declining local aid from the state, (Chapter 70 money in particular), the Town needs to find ways to cushion the blow.

Kerry Speidel Presenting Financial Trend Analysis:
Ms. Speidel began by stating that looking backwards identifies where the Town is heading. Ms Speidel noted that state aid has been cut, there is little revenue growth, and there is an increase in fixed costs.

Ms. Speidel mentioned the International City and County Management Association that has established indicators to identify and track trends in any given community. Some were applicable and others were not. Ms. Speidel stated that they were looking at a five-year period from FY00-FY04.

Indicator 1: Revenue per Capita
Ms. Speidel stated that this indicator changes with population size, assuming the need for services remains the same. Ms Speidel stated that there were 3 categories of indicators Favorable, Marginal, and unfavorable. *This indicator is marginal.*

Indicator 2: State Aid
Ms. Speidel stated that overdependence was harmful and it needs to be monitored because state aid number is questionable. The Town has maintained services due to one time monies. Ms. Speidel stated that this could have an impact on the credit rating. Ms. Speidel stated that this *indicator was marginal.*

Indicator 3: Elastic Revenues
Ms. Speidel stated that this indicator yield is responsive to economic base and inflation and examples of this are excise tax and investment income. When looking at the five year period there has been a decline due to the flat economy. Ms. Speidel stated that this *indicator is marginal.*

Indicator 4: Property Tax
Ms. Speidel stated that the property tax growth rate is consistent and has a strong tax base. This *indicator is favorable.*

Indicator 5: Uncollected Property Taxes

Ms. Speidel stated that this indicator was an important one and that credit agencies look at the delinquency rates. Ms. Speidel stated that Chelmsford has a 1% delinquency rate.

Indicator 6: Revenue Surplus/Shortfall
Ms. Speidel stated that revenue surplus has decreased the target budget and the actual numbers are getting closer.

Indicator 7: Expenditures per Capita
Ms. Speidel noted that as the population increases there is increased spending per capita. On the surface this indicator is favorable but that is not necessarily a good thing

Indicator 8: Non-School Expenditures
Ms. Speidel stated that making sure that spending is stable is important and to make sure that cutting back does not reflect a lesser commitment to education.

Indicator 9: School Expenditures
Ms. Speidel stated that the total school spending has decreased and that this is a worrying trend. Ms. Speidel asked if the spending has increased, then why is there a 10% cut in Chapter 70 in FY03.

Indicator 10: Employee Benefits Expenditures
Ms. Speidel stated that this was an *unfavorable indicator*. The number of employees has decreased and the money has increased to fund them.

Indicator 11: Debt Service Expenditures
Ms. Speidel noted that there is little control over this indicator. The Town has to pay first item off of the top of the budget.

Indicator 12: Fund Balance
Ms. Speidel stated with the revenues and expenditures currently they can be unable to reach future needs. Ms. Speidel stated that with decreases in the amount of money available could have an impact on the bond rating. Conclusion; Most indicators are marginal and it is a good time to review policies to maintain fiscal stability.

Five Year Fiscal Forecast, Mr. Lynch:
Mr. Lynch stated that it needs to be made clear to residents which way the town is heading. There is a steady property tax increase, essentially level state aid, the stabilization fund is smaller, and there is no new revenue to draw upon. Plus one time monies are gone decreasing available funds.

Mr. Lynch stated that there could be a 3% increase in non-school discretionary cost, a possible 4% increase for the school department needs, and an increase of 15-20% in health insurance, and finally increases in Middlesex retirement and debt services. Mr. Lynch outlined the revenue and fixed costs projected from FY06-FY10. Mr. Lynch stated that in FY06 health insurance is projected at costing $13 million and in FY10 the

projected cost is $22 million. Mr. Lynch summarized by stating that 23% of the budget in FY10 will be health insurance.

Mr. Lynch stated that there is an immediate issue with the next fiscal year. Mr. Lynch suggested taking action steps such as looking into new forms of revenues, containing costs such as employee benefits and to look into greater efficiencies to save money.

School Department Presentation: Dr. Moser:

Dr. Moser began by stating that the meeting will help prepare a main goal of defining the problem of decreasing revenue and Chapter 70 monies.

Dr. Moser stated that most of this information was given at the last Town Meeting. Salary increases will on average rise 3.3%, which is a modest increase.

Dr. Moser addressed the question of what to do with the $141,000 and after discussion with the management team it was discussed that students are experiencing large class sizes in Town. Dr. Moser proposed staffing with the additional $141,000: 1 Teacher at Byam, Grade 3; 1 Teacher at Center.

Dr. Moser addressed other staffing concerns for FY06. Dr. Moser stated that at the High School, because of the limited staff, students are being forced into electives that they do not want. Some students may be placed in study hall, which is not the instruction we want for students. Dr. Moser stated that some money will go to the High School. At McCarthy/Parker Dr. Moser would like to add two more teachers. Dr. Moser also pointed out that enrollment for Kindergarten and Grade 1 in increasing. Dr. Moser noted that staff development has been reduced since 2001.

Dr. Moser gave a brief outline of the staffing history including the number of teachers, student enrollment, and the budget history. The enrollment of students was up 7% while the staffing of teachers was down 7.8%.

Dr. Moser discussed that FY07 budget and the fixed cost increases, such as salary, transportation, utilities, and retirement savings (projected 20-25 teachers retiring each year over the next 4 years). Dr. Moser projected a potential shortfall of over 1 million dollars for FY07. Dr. Moser outlined an FY07 reduction strategy. Staffing, programs and new revenue sources are all areas to look into.

Dr. Moser also commented on Chapter 70 money and how the formula does not work to the Town's benefit. Dr. Mosier stated that the Foundation budget, as calculated by the state, required producing a minimally sound education for students attending each district. Net Minimum Contribution is the amount of money the state assumes a Town can afford to educate all students in the district. This has not changed since its induction in 1993, and the formula does not treat all Towns equally. Dr. Moser pointed out Chapter 70 money compared to other Towns such as Billerica and Westford. Dr. Mosier showed

that Billerica does better under the state's Chapter 70 formula. Dr. Moser discussed Hold Harmless Provisions. Dr. Moser explained that this was when the state gives the town less additional aid because they are looking at the formula for Chapter 70 money.

Mr. Lynch concluded the presentation by discussing fixing the inequities that exist and to take next steps. Since there is no sense of where the state will go, the Town needs to explore other options, such as looking into grant money. An outline of a timeline was discussed where the Town would start with a budget review, setting targets, labor negotiations, finalizing the FY07 budget and staffing and program decisions done by spring 2006.

Discussion

Chairman Eliopoulos opened the floor to comments and questions. Chairman Eliopoulos noted that after state representatives answered questions at the last BOS meeting, they were not optimistic about any change occurring in the Chapter 70 formula.

Ms. Frantz stated that the $50 per pupil is new aid and it helps in the sense that people get money but it does not help the inequalities, but will only increase them.

Chairman Eliopoulos stated that unless the inequality is discussed there will be no change. Selectman Newcomb noted that at the last BOS meeting the state representatives stated that to promote change the Town needs to speak with the Department of Education (DOE) and not the legislature. Ms. Frantz stated that it is DOE who administers what the legislature votes on.

Ms. Thoren discussed the prior meeting she had attended with representatives from DOE and stated that it was crucial to lobby the legislature. Ms. Thoren asked the Board to work with the group. Ms. Frantz stated that there is a bill in the state senate and if passed it could help Chelmsford. Ms. Frantz stated that the DOE is looking into local contributions. When the 1993 Education Law was passed everyone got something, but now there is no new money available.

Selectman Newcomb stated that at the last Board meeting the state representatives were asked if the bill to change the formula was put forward what would happen. The representatives stated that it would go to committee.

Dr. Moser mentioned the strain of health insurance as the biggest budget issue. Mr. Lynch responded that it was proposed to employees to change providers saving some money but the employees wanted to keep the same provider. Mr. Lynch stated that he is working with the employees to work out a solution.

Ms. Duffit asked what were the thoughts on how the 55 million in "pot hole" money would be used, if received. Chairman Eliopoulos suggested a joint letter requesting the money offset the inequalities in the formula rather than distributing the money equally. Ms. Thoren stated that the letter is an opportunity for anyone in the community to respond. An e-mail, phone call or letter could make an impact. Chairman Eliopoulos

stated that each Board member should sign the letter. Selectman Newcomb suggested the letters be similar in language. Chairman Eliopoulos suggested having all state legislature contact information on the Town web site.

John Thibault stated that a letter campaign could be sent to newspapers to make the citizens aware of the issue. Citizens can start to question the state representatives and what they are doing about it. Mr. Lynch stated that the press has yet to pick up on the issue. Ms. Frantz stated that the press may be starting to pick up on the issue because a Globe reporter has been asking questions.

Ms. Frantz stated that the Town needs to look at revenues and that the Town could be looking towards an override or see a decrease in services. The Town needs to hear from people about what services they can do without. Mr. Lynch noted that the Town needs to be clear with residents that the Town is trying to be more efficient. Selectman McCall stated that other communities are having the same problems and that maybe the Town could collaborate with them to reduce costs. Selectman Dalton stated that the community needs to go to the State House and demand a fair share.

Ms. Duffett suggested that copies of the letters written go to Sen. Fargo. Chairman Eliopoulos suggested placing the letter on the Town Website.

Motion: Chairman Eliopoulos made a motion to adjourn to executive session at **9:50: pm**. Selectman McCall seconded. Motion unanimously carried.

Next scheduled joint meeting is October 6, 2005

Respectfully Submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, June 20, 2005
Town Offices, 50 Boston Road

Attending:

Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager
Jeanne Parziale, Assistant to the Town Manager

7:03pm

BOS Vote: K. Speidel, Temporary Financing & Exemption:

Chairman Eliopoulos stated that a bond sale needs to be approved. Mr. Lynch stated that the Board has a memo from Ms. Spiedel regarding the recent note of sale of $10 million, which will go to the school construction and $161,000 will be for the Farmland acquisition. The Bond rating meeting occurred and the notes were rated with a positive outlook. Three bids have come into the finance office and the lowest was from Eastern Bank, with a 3.75% interest cost and a premium of $102,000, reducing the net interest cost to 2.742%. Mr. Lynch stated that Ms. Spiedel's recommendation was to approve the sale of notes to Eastern bank.

> **Motion:** Selectman Dalton made a motion to approve the sale of a $10,161,000, 3.75% note for the Town dated June 4, 2005, and payable June 23, 2006, to Eastern Bank at par and accrued interest plus a premium of $102,038.37 . Selectman McCall seconded. Motion carried.

350th Parade Update: John Chemaly, Chairman-Parade Committee:

Mr. Chemaly began by thanking the Board for their support. Mr. Chemaly outlined the July 2nd parade and stated that there would be 135 units in the parade. There will be two nationally recognized bands from Minnesota, 20 antique cars, 20 floats and other historical themes. There will be a surprise military flyover at 11:05am. There will be entertainment in the center before the parade. A grandstand for Selectmen and invited guests will also be in the center. The parade will be approximately three hours in length and will have Macy's type balloons throughout the parade. Mr. Chemaly stated that all the major preparation has been done.

Selectman Dalton asked how the fundraising went for the parade. Mr. Chemaly stated that the parade cost $70,000 and that the most expensive item in the parade was the bands, which ranged from 2-9 thousand dollars.

Mr. Chemaly stated that there will be extra ambulances and the parade will end at Wilson Street. There will be shuttle buses from the old Chelmsford Theater. Selectman Chase asked if the former Selectmen could be contacted and told the dress code for the parade.

Chairman Eliopoulos wanted to recognize the banner in the center provided by the Chelmsford Business Association. Chairman Eliopoulos also wanted to thank Mr. Chemaly and the 350th committee for all of their hard work.

Open Session:

1. Mary Tiano, resident-1 Spruce Street, addressed the Board about the traffic on Sycamore St. Ms. Tiano wanted to pay a compliment to residents on Sycamore for their support for the surrounding streets. There was concern about emergency vehicles being able to turn onto the street. Most of the residents have been positive with the attempts to calm traffic, with a few negative comments. Ms. Tiano wanted to make sure the Board heard positive feedback on the issue.

Christine Scaplen, resident-12 Sycamore St., addressed that there were many residents present at the meeting and thanked the Board for all of their efforts. The passing of a policy will allow measurable data for residents. There was clear action taken and no special treatment was given and Ms. Skateland encouraged the Town representatives to stand behind the policy, which improves the quality of life.

Jim Sullivan, resident-8 Sycamore St., stated that the traffic on Sycamore has been a 26 year problem and nothing could get done. Mr. Sullivan commented on the drastic improvement in traffic since the traffic calming measure took effect. The neighborhood has been made safer and the street has gotten its rural feel back. Mr. Sullivan thanked the Board for their work.

2. Eugene Dunby, resident- 58 Richardson Rd., addressed the board and thanked Selectman Newcomb for his efforts. Selectman Newcomb stated that he is waiting for a response from the Secretary of State's office.

3. Tom Gove addressed the Board at the prior meeting and has returned in regards to broken glass on his property. Mr. Gove also complained about the growth that was placed on his property and wants it replaced immediately. Mr. Lynch stated that the property was hydro seeded and that he had not heard from Mr. Gove and assumed the matter was closed. Selectman Dalton stated that the loam placed on his property was one of the best around. Mr. Lynch stated the miles of sidewalk have been constructed in the Town and there have been no complaints. Mr. Lynch stated that he would go out and look at the property.

Presentation by LRTA:

James Good introduced Jim Scanlan, the LRTA director, to the Board. Mr. Scanlan thanked the Board and stated that it will be a challenge at the LRTA to move forward.

1. Mr. Scanlan stated that after looking at the infrastructure of the LRTA, new buses and equipment were needed. There is an aging fleet of 12 years and 8 vehicles are on order.
2. The City of Lowell will house the transfer center of buses and invited the Board to come and see the facility. Some bus routes have not been looked at in 25 years.

A new service plan will hopefully be in service by August. Mr. Scanlan stated that the LRTA can do better for Chelmsford, particularly North Chelmsford and Chelmsford Center. Mr. Scanlan stated that more buses will run, with extended hours of operation.

Selectman Dalton asked when the new service will occur. Mr. Scanlan stated that the Grand Opening will be August 2, 2005. Mr. Scanlan stated that there will be an increase in service runs to connect the Drum Hill area. Mr. Scanlan stated that it may cost more initially, but the hope is to get more riders.

Selectman Newcomb asked if the new routes would have expanded coverage. Mr. Scanlan responded that there will be expanded coverage and will keep the route in areas with seniors. Chairman Eliopoulos stated that keeping the seniors is mind is good given their transportation restrictions and that the new routes will take time to catch on. Mr. Scanlan noted that a rider will need to take an extra shuttle if he/she wants to go to Lowell. Selectman Newcomb suggested Mr. Scanlan coming at a later time to tell the Board how things are going. Mr. Lynch stated that he would be happy to put the new route information in the next newsletter and place a link on the Town Web page. The August 2nd event will be held on 11:00am. Mr. Scanlan stated that there are 100-200 riders per day and he will push hard to get those numbers up. Chairman Eliopoulos thanked Mr. Good for coming and if there was anything the Board could do to promote the LRTA to let them know.

Public Hearing: Application for Transfer of All Alcohol License Angelina's Pizza to Hellenic Café, 170 Concord Road:

Gregg S. Haladyna, Esq., addressed the Board on behalf of Hellenic Macedonia Inc. who has petitioned the Board for a transfer of the All Alcoholic beverage License held by A.U.C., Inc. d/b/a Angelina' Pizzeria, formerly Sombreros at 170 Concord Road. Mr. Haladyna stated that Sombreros is now closed and Hellenic Macedonia Inc., is under agreement to acquire the restaurant, subject to license transfer and approval. The plan is to reopen under Hellenic Oven and Grill. The Hellenic Macedonia Inc. is owned by Artemios Kayas and Georgios Papadopoulos and both men have had extensive restaurant experience and are TIPS trained. The restaurant has a 60 seat capacity and will undergo minor changes. Mr. Haladyna also requested the Board vote on an Entertainment license for TV and cable.

Chairman Eliopoulos noted that the Board has a two waiting period policy for the transfer of All alcoholic licensing. Mr. Haladyna requested that the Board vote on a Common Victualer License in order for the restaurant to operate, subject to the Board of Health and Building Inspector.

Motion: Selectman Dalton made a motion to approve the request of a Common Victualer License and entertainment license for Hellenic Macedonia, Inc.- Hellenic Oven and Grill at 170 Concord Road for the Hours of operation of Mon-Sat 11:00am- 1:00am and on Sundays 12:00pm-12:00am contingent upon the Board of Health and Building Inspector. In addition an entertainment license

including radio, television and cable TV. Selectman McCall seconded. Motion carried.

Motion: Selectman Dalton made a motion to continue the public hearing on July 11, 2005. Selectman McCall seconded. Motion carried.

Town Manager Reports:

1. The joint meeting with the School and Finance Committees was positive and there have been no changes in the FY05, FY06, or FY07 budgets. Mr. Lynch stated that he has gone back to the department heads and they are presently looking at restructuring as a result of some personnel changes, with a goal of cost savings.
2. The Charter Review Committee is meeting this Wednesday and is looking at the mission statement. The scheduled work will be completed by January, 2006, in time to address it at the spring Town Meeting.
3. The Hearing for telecommunications tax bill will be held on June 21. The Town could pick up an additional $350,000 if the loopholes are closed. Selectman Newcomb asked what the likelihood of this would be and Mr. Lynch stated that it was positive but the bill could get bogged down in the legislature
4. Mr. Lynch stated that the Street Sweeping started late this year due to the harsh winter. The Town is broken up into 5 neighborhoods and whoever was first last year is last this year. Mr. Lynch stated that the main roads are done first and most work is done at night. Selectman Dalton stated that he has received residents' complaints and made residents aware that addressing each resident separately would hold up the sweepers from completing the Town.
5. Negotiations with Comcast deadline is June 24th and the Town is working with Comcast and asked for an extension of 120 days bring the new deadline to August 8th and Mr. Lynch is asking the Board for support.

   Motion: Selectman Dalton made a motion to extend the contract negotiations with Comcast for 120 days. Selectman McCall seconded. Motion carried.

Selectman Dalton asked if there was an advantage to go with Verizon and if we are tied to a long term contract with Comcast. Mr. Lynch responded that the Town can not simply get out from Comcast and is still negotiating. For Verizon to come in they need to set up their infrastructure of cable and there is nothing that precluded bringing in competition.

Continuation of BOS Goal Setting Discussion:

Chairman Eliopoulos stated that the goals setting meeting on June 6th addressed issues that impact the Town. The Board discussed the focus for the next 12 months and came up with 4 primary goals and identified the major issues.

1. Under the transportation goal, sidewalks were constructed and that transportation remains an issue. The infrastructure needs to be looked at in terms of transportation.
2. Mr. Lynch stated that the primary goal was Fiscal Stability. Fiscal Stability is the level of ability to be solvent long term. Mr. Lynch stated the Town needs to be

solvent in services as well to have minimal impact on taxes. Residents have seen taxes going up and the Town needs to address this.

3. The Government Structure needs to be addressed in FY06. The Charter Review Commission will begin to meet. The Towns is beginning to analyze its administrative structure in all areas. Mr. Lynch stated that questions are being asked how better to serve residents in costs and in services. Mr. Lynch also noted that departments will begin to report on a quarterly basis to the Board and Town Manager.
4. Mr. Lynch stated that the development in growth is being addressed with the Master Plan presented on June 6th.

Chairman Eliopoulos stated that the Board needed to start the dialog regarding the specifics of the goals . Selectman Newcomb stated that there needed to be milestones throughout the year. Chairman Eliopoulos agreed and added that the projects need to be reported on quarterly

BOS Vote: Appointment to Board of Registrars, Republican Town Cmte.:

1. Selectman McCall nominated Shaun Saber. Selectman Newcomb seconded.
2. Selectman Dalton nominated John Coppinger. Selectman Chase seconded.
3. Selectman Chase nominated Mary Beth Hayes. Chairman Eliopoulos seconded.

Motion: Selectman Dalton made a motion to close the nominations. Selectman McCall seconded. Motion carried.

Vote: Selectman Newcomb, Selectman McCall, Chairman Eliopoulos, Selectman Dalton, and Selectman Chase unanimously voted in Shaun Saber appointment to the Board of Registrars, Republican Town Committee.

Fire Department Permit Fees:

Mr. Lynch stated that the permit fees have been updated. Chairman Eliopoulos stated that the fees seem to be in line with other communities and that the fees match the work done.

Motion: Selectman Dalton made a motion to approve the fire chief's recommendations on permit fees for the fire department. Selectman McCall seconded. Motion carried.

Town Clerk Fees:

Mr. Lynch noted that the full list was not present for the Board and that it has been 15 years since the fees have increased. Marriage License $25 (was $20); Vital Records $10 (was $5); Business Certification $25 (was $20); Cemetery Deeds $20 (was $10); Doctor Registration $25 (was $20); Pole Location $50 (was $40); Burial $10 (was zero payment); The Town Clerk also recommends a $20 fee for Block Party Permits.

Motion: Selectman Dalton made a motion to approve the Town Clerk's recommendation for new fees. Selectman McCall seconded. Motion carried.

Selectman Referrals:

Selectman Chase made the following referrals:

1. Members of the School Committee attended the June 2nd legislation session.
2. Selectman Chase referred to the upcoming meeting of the Board and a representative from the Department of Revenue (DOR) on June 22. Selectman Chase prepared a packet for the Board to help with background for the meeting.

Selectman Dalton made the following referrals:

1. Selectman Dalton asked about where the Exemption discussion would take place. Mr. Lynch stated that the Board was trying to schedule a lunch meeting to discuss the issue.
2. Selectman Dalton asked about the Housing Master Plan packet for the July 11th meeting. Mr. Lynch stated that the plan is being finalized but a vote should not occur until a meeting is held. Selectman Newcomb stated that after a public input session there will be a revision.

Selectman McCall made the following referrals:

1. The CPC meeting was postponed.
2. A potential problem exists with parking for school events and on Westland St. and Harrington. Selectman McCall stated that residents on those streets are concerned with vehicles getting down when an event for the schools occur because parking is on both sides of the street. Selectman McCall inquired whether signs could be posted for parking on one side of the street when a school event is occurring. Selectman Newcomb commented that parking will get worse with construction. Mr. Lynch stated that he would look into the issue.
3. Selectman McCall asked if anyone was attending the hearing on Telecommunications Tax Bill because he will be in Boston on unrelated business and Selectman McCall could attend if needed.

Selectman Newcomb made the following referrals:

1. Carnival permits bond posted. Mr. Lynch stated that it was part of the application process and that the Booster club is not doing the carnival this year.
2. The School Building Committee had a televised public input meeting and the next meeting will held Wednesday June 29th.
3. Selectman Newcomb handed out a 2005 City and Town manual put out by the DOR division of local services. The manual talks about income verse retail methods of assessment and what constitutes full and fair cash value. Selectman Newcomb also noted that the DOR has standardized forms available on its web site.

Chairman Eliopoulos made the following referrals:

1. Chairman Eliopoulos suggested removing the barriers in the center for the July celebrations. Mr. Lynch indicated that this was already being planned.

2. There was a call from a resident who had two dogs and moved in with someone with two dogs. Mr. Lynch is looking into whether or not they are violating the by-law for number of pets.
3. A group called Common Cause is looking to put a ballot question for the fall election to create a separate committee to look at redistricting rather than a political body. Selectman Newcomb stated that other states are beginning to do something similar.
4. Chairman Eliopoulos asked Mr. Lynch about a problem with a resident at Blaisdell Rd. Mr. Lynch stated that letter have gone out to address the problem. Mr. Lynch remarked on a similar problem at Meadowbrook and legal actions are being taken. There is a hearing next week regarding this issue.
5. A Post box was removed from Central Square and the reason of cut backs was given. The Businesses in the center are passing around a petition and are looking for the Board to sign the petition.
6. Chairman Eliopoulos thanked all of the volunteers that worked on the 350th celebrations. Chairman Eliopoulos stated that the events have shown the true spirit of the Chelmsford Community.
7. Selectman Dalton asked where things were with the Drum Hill area. Chairman Eliopoulos responded that the plan is to work on it this summer and to be finished by the fall.
8. Chairman Eliopoulos hoped to have a meeting for the McFarland Sound Barrier so residents could come and give their input.

Motion: Chairman Eliopoulos made a motion to adjourn to executive session at **9:24: pm**. Selectman McCall seconded. Motion unanimously carried.

Next Scheduled meeting is **July 11, 2005**

Respectfully Submitted,

Patrice Garvin

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TOWN OF CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, July 11, 2005
Town Offices, 50 Boston Road

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager

7:04pm
Open Session:

1. George Merrill, resident-108 Dunstable Rd., and current member of the Historical Commission was unsure why Mr. Lynch will not support his reappointment to the Commission. Mr. Merrill expressed that he did not have a degree, as do the newer members, but he knows the history of the Town.
2. Eugene Dunby, resident-58 Richardson Rd., asked the Board what the status was with his concerns. Selectman Newcomb told Mr. Dunby that he is awaiting word from the Secretary of State's office and it is this office that controls the web page. Mr. Dunby wanted to be placed on the next meetings agenda. Chairman Eliopoulos stated that when the Board gets a response Mr. Dunby will be contacted. Mr. Dunby concluded that he would like to get to the original reason he approached the Board, which was to ask why the state constitution was not taught in the schools.
3. Dick McNamee, resident-33 Abbot Lane spoke on behalf of George Merrill, and asked the Board not to remove him from the Historical Commission. Mr. Merrill has a lot of experience and has done a lot of hard work for the Town. Mr. McKinley asked Mr. Lynch to add to the Commission not subtract from it.
4. Jeff Stallard, resident-103 Tyngsboro Rd. stated that he was disappointed that Mr. Merrill will not be reappointed and feels the Commission will be losing a valuable member. Mr. Stallard stated that he has been on the Commission for a long time and is willing to resign so that Mr. Merrill could take his place.

Town Manager Reports:

1. The Parade on the 2nd was tremendous and the volunteers did a great job. Mr. Lynch stated that it was an amazing couple of days and gave credit to the parade committees and Chairs the Chemleys' for their hard work. Selectman Dalton stated that some residents called with negative comments on the use of tax money for the parade. Selectman Dalton let the residents know that the money spent, was all raised by the committees, which was over $200,000. Mr. Lynch stated that $70,000 was spent on the parade. Mr. Lynch stated that those who contributed have been notified and thanked for their contributions.
2. Mr. Lynch stated that he visited Mr. Gove's property and a settlement is being attempted.

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BETHEL DELAHEY
TOWN CLERK

3. Mr. Lynch stated that Sycamore's 60 day traffic calming trial period is almost over and the public input session will be on July 25th.
4. Mr. Lynch followed-up on the Board meeting last week, which focused on tax exemptions. The finance director outlined programs that are offered including senior tax exemption program. Mr. Lynch stated that $175,000 was generated in tax exemptions. Mr. Lynch told the Board that he was looking into other options and will bring them to the Board and at Town Meeting in the fall.

Town Manager Appointments:

1. Mr. Lynch stated that there are some vacancies on some of the committees and he was looking for the best possible people and have an adequate representation throughout the community. Mr. Lynch read through all the committees and their appointments.

Title/Committee		Name	Expiration
ADA Coordinator		Ralph Hickey	6/30/2006
Animal Control Officer		Franklin Warren	6/30/2006
Board of Appeals		John Coppinger	6/30/2008
		Leonard Richards	6/30/2008
	Alt.	Joel Luna	6/30/2006
	Alt.	Judy Tavano	6/30/2006
	Alt.	James Begley	6/30/2006
Arts & Technology		Beverly Barrett	6/30/2008
		Evelyn Thoren	6/30/2008
		Vacancy	6/30/2008
Coalition Against Crime		Kathy-Cryan Hicks	6/30/2006
		Holly Hamilton	6/30/2006
		Raymond McCusker	6/30/2006
		Deborah Monteforte	6/30/2006
		James Murphy	6/30/2006
		Colin Spence	6/30/2006
	SC	Vacancy	6/30/2006
Community Action Program		Peter Bagni	6/30/2006
		James Clancy	6/30/2006
		Andrea Flagg	6/30/2006
		Eric Groves	6/30/2006
		Beverly Koltookian	6/30/2006
		Denise Marcaurelle	6/30/2006

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	Andrew Sheehan	6/30/2006
	Deborah Villano	6/30/2006
Community Preservation Cmte	Donna Newcomb	6/30/2006
	David Hedison	6/30/2006
	Rebecca Markey	6/30/2006
Community Teamwork	Martin Walsh	6/30/2006
Conservation Commission	Brian Reidy	6/30/2008
	William Vines	6/30/2008
Council on Aging	John Clancy	6/30/2006
	John Cody	6/30/2006
	Robert Grippo	6/30/2006
	Thomas Turner	6/30/2006
	Joan Latourneau	6/30/2006
	Paul Sweeney	6/30/2006
	Elizabeth Anne Warburton	6/30/2006
	Louise Myers	6/30/2006
	Diana Boisvert	6/30/2006
	Stella Apostolos	6/30/2006
	Vacancy	6/30/2006
Commission on Disabilities		
	Anne Smith	6/30/2008
	John Duggan	6/30/2008
	Douglas MacArthur	6/30/2008
	Martha McCuller	6/30/2008
Cultural Council	Kerry Bernier	6/30/2007
	Karen McHenry	6/30/2007
	Vacancy	6/30/2007
Emergency Mgmt. Agency	John Abbott	6/30/2006
	Paul Eriksen	6/30/2006
	Walter Hedlund	6/30/2006
	Stephen Maffetone	6/30/2006
	William Ohm	6/30/2006
Fence Viewer	James Pearson	6/30/2006
Great Brook Advisory Board	Harold Matzkin	6/30/2006

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Hazardous Waste Coordinator		Richard Day	6/30/2006
Historic District Commission		Cynthia Acheson	6/30/2008
		John Handley	6/30/2008
	Alt.	Vacancy	6/30/2008
	Alt.	Vacancy	6/30/2008
Historical Commission		Douglas Wright	6/30/2008
		Kevin Goddu	6/30/2008
Holiday Decorating		Carrie Bacon	6/30/2006
		Ruthann Burkinshaw	6/30/2006
		Ellen Donovan	6/30/2006
		Linda Harrington	6/30/2006
		Donna Johnson	6/30/2006
		Jean Kydd	6/30/2006
		Iris Larssen	6/30/2006
		Marie Massota	6/30/2006
		Gloria Schoen	6/30/2006
		Jacqueline Wunschel	6/30/2006
Industrial Development Fin. Auth.		Vacancy	6/30/2006
Inspector of Animals		Martin Gruber, D.V.M.	4/30/2005
Local Emergency Planning		Richard Day	6/30/2006
		Judith Dunigan	6/30/2006
		Walter Hedlund	6/30/2006
		Bernard Lynch	6/30/2006
		Raymond McCusker	6/30/2006
		James Murphy	6/30/2006
		John Parow	6/30/2006
		James Pearson	6/30/2006
		Gary Persichetti	6/30/2006
		Andrew Sheehan	6/30/2006
		James Sousa	6/30/2006
Merrimack Valley Health Planning		Martin Walsh	6/30/2006
Northern Middlesex Council of Govts.		Alt. Bernard Lynch	6/30/2006
Personnel Board		John Antonucci	6/30/2007
		Peter Volonino	6/30/2007

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Recycling	Kathryn Brough	6/30/2006
	Mark Gallagher	6/30/2006
	Ronald Goodner	6/30/2006
	Marc Grant	6/30/2006
	Johanna Morse	6/30/2006
	Nancy Kaelin	6/30/2006
	Bonnie Rankin	6/30/2006
School Building Committee	Alexander Buck	6/30/2006
	Robert Cruickshank	6/30/2006
	Nicholas DeSilvio	6/30/2006
	Steven Lyons	6/30/2006
	Patrick Maloney	6/30/2006
	Thomas Mills	6/30/2006
	David Turocy	6/30/2006
	Thomas Newcomb	6/30/2006
	Kerry A Speidel	6/30/2006
	Gary Persichetti	6/30/2006
Sealer of Weights & Measures	Leon Swiniarski	6/30/2006
Sign Advisory	Kathleen Roark	6/30/2008
	Vacancy	6/30/2008
	Vacancy	6/30/2006
Telecommunications Advisory	John Fahey	6/30/2006
	Frederick Peterson	6/30/2006
	James Hickey	6/30/2006
	Robert Haigh	6/30/2006
	Vacancy	6/30/2006
Town Celebrations/4th of July	James Gifford	6/30/2006
	Walter Hedlund	6/30/2006
	Robert Kelley	6/30/2006
	David Marderosian	6/30/2006
	Jeffrey Stallard	6/30/2006
Veterans Emergency Fund	Alfred Coburn	6/30/2006
	Thomas Firth Jr	6/30/2006
	Lloyd Greene Jr	6/30/2006

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Alan Greenhalgh	6/30/2006
John Kenney	6/30/2006
Robert Laporte	6/30/2006
Carl Lebedzinski	6/30/2006
Frederick Reid	6/30/2006
Neal Stanley	6/30/2006

Motion: Selectman Dalton made a motion to approve all committees' appointments the Town Mangers has proposed with the exception of the Historical Commission. Selectman McCall seconded. Motion unanimously carried

2. Selectman Dalton began the discussion of the Historical Commission. Selectman Dalton asked the Manager to consider Jeff Stallard's proposal of stepping down and replacing him with George Merrill. Mr. Lynch did not disagree with Selectman Dalton's comments and added that he could file additional papers to have Mr. Merrill placed back on the Commission after the others are approved. Chairman Eliopoulos stated that what Mr. Stallard did was admirable. Selectman Dalton stated that Mr. Merrill has devoted his life to Chelmsford and is willing to continue his work and should be reappointed. Chairman Eliopoulos stated that Mr. Merrill's knowledge can not be replaced and wishes that a member of the commission should not have to resign.

   Selectman Newcomb stated that both Douglas Wright and Kevin Goddu should be appointed to the commission and Mr. Merrill can still be involved. Selectman Dalton stated that being on the commission and assisting is different. Selectman Newcomb stated that Mr. Merrill has done a great job and noted that many of the same people serve on multiple committees. Mr. Lynch added that what he was trying to accomplish was an all encompassing view of the community in the appointments, and to try and bring new people into Town Government. Selectman McCall agreed that Mr. Stallard's proposal should be considered. Selectman Chase agreed with the proposal of Mr. Stallard and that new members are desired. Mr. Lynch stated that once the new members are voted in then Jeff would have to resign his membership on the Commission and then the Town Manager can reappoint George Merrill.

   Motion: Selectman Dalton made a motion to accept the Town Manager's appointments to the Historical Commission. Selectman McCall Seconded. Motion Carried, 4-1 vote with Chairman Eliopoulos dissenting.

Public Hearing: Application for New Officers/Directors, Etc. Bertucci's Restaurant, 14-34 Littleton Road:

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Frank Binardi a representative of Bertucci's asked for three transactions: (1.) Change the officers and directors (2.) Transfer of unofficial interest of stock and (3.) To change the name from Bertucci's Brick Oven Pizzeria to Bertucci's Brick Oven Restaurant. Chairman Eliopoulos asked if there was anyone present to speak for or against the action. Selectman McCall asked if Jennifer Divola was the current manager because it stated so on the application. Mr. Binardi stated that she was not but the current manager's name will be listed.

Motion: Selectman Dalton made a motion to close the public hearing. Selectman McCall seconded. Motion unanimously carried.

Motion: Selectman Dalton made a motion to approve the change of name of Bertucci's Brick Oven Pizzeria to Bertucci's Brick Oven Restaurant. Also to change the officers and directors and to change the beneficial interests. Selectman McCall seconded. Motion unanimously carried

Public Hearing: Application for Transfer of All Alcohol License Angelina's Pizza to Hellenic Café, 170 Concord Road:

Gregg S. Haladyna, Esq. addressed the board for a transfer of liquor license to the Hellenic Oven and Café. Mr. Haladyna also noted that the restaurant may open in a few weeks.

Motion: Selectman Dalton made a motion to approve the transfer from Angelina's Pizza to Hellenic Macedona Inc., Hellenic Oven and Grill an All Alcoholic Liquor License. Selectman McCall seconded. Motion carried.

Application for All Alcohol Restaurant License Applebee's Neighborhood Grill and Bar, 50 Drum Hill Road:

Barry Gerstein, Applebee's representative from NH and Jim Brosseau, Area Director asked the Board for an All Alcoholic License. Mr. Gerstein stated that the manager of the Applebee's has not been named yet, therefore on the application Mr. Brosseau was named as the Manager. Mr. Gerstein stated that once a manager was in place he would approach the Board for approval. Mr. Gerstein noted that Applebee's was a family restaurant with a low alcohol ratio. Selectman McCall noted that the construction schedule was very aggressive. Selectman McCall noted a 2 month construction period for the new building. Mr. Brosseau stated that it would be 120 days from ground breaking to opening day. Mr. Gerstein assured the Board that there will be no service until all the permits are in line and the Town is satisfied. Chairman Eliopoulos stated that with any new liquor license there is a two week waiting period. There is also a policy in place that all managers be TIPS certified. Mr. Gerstein stated that all of the managers will be TIPS certified.

Motion: Selectman Dalton made a motion to close the public hearing. Selectman McCall seconded. Motion unanimously carried

Motion: Selectman Dalton made a motion to continue the public hearing on July 25, 2005 between 7:15pm-7:30pm. Selectman McCall seconded. Motion unanimously carried

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Affordable Housing Master Plan Committee:
Chairman Eliopoulos reminded the Board that the Master Plan has received public input and the final draft was submitted to the Board.

Pam Armstrong thanked the Board and stated that the members of the committee were a good group of people. Ms. Armstrong publicly thanked Dauler Consulting and recognized Brian Reidy, Bill Dalton, Denise Marcaurelle, David Hedison, Andy Sheehan, Ruth Luna, Georgie Mueller and Ray Peterson.

Andy Sheehan stated that the second public input session was held on June 21 and there were about 20 residents present. Mr. Sheehan told the Board that their input did not result in any changes of the plan. Mr. Sheehan stated that he was looking for the Board to adopt the plan and in turn send it to the state DHCD, which will allow for implementation to go forward.

Chairman Eliopoulos wanted to remind those listening that this plan gives the Town better control over 40B's. Mr. Sheehan added that it also gives more leverage with developers to place projects in more appropriate sites. Selectman Newcomb asked how long an answer could take from the state. Mr. Sheehan stated that it could take 30-60 days for a response.

Selectman Newcomb asked about current 40B projects in Town and if they would be counted in this new plan. Mr. Sheehan stated that there is some uncertainty of what will be counted but once appeals are expired the Town can claim the units as long as construction starts within the year.

> **Motion:** Selectman Dalton made a motion to endorse the Town of Chelmsford Affordable Housing Master Plan. Selectman McCall seconded. Motion unanimously carried.

LIP 40B Project: Hillside Gardens, 315 Littleton Road:
Frank Bailas a representative from Bailas, Alphen and Santos, 200 Littleton Rd., Westford, for Hillside Gardens L.D., LLC. The principals of the project are Mr. Duke Pointer, Mr. Lois Frank and Mr. Joseph Heider. Mark Slegar was introduced by Mr. Bailas who represents LandTech Engineering Firm. Finally Joseph LaGrasse of Andover is the Architect of the project. Mr. Bailas proposed the project of a 40B on 315 Littleton Rd. for 72 units; 24 units will be for affordable housing. Mr. Bailas stated that this was a hybrid project; 48, 2-bedroom condo units and 24, 1-bedroom senior housing units. Mr. Bailias introduced Duke Pointer.

Mr. Pointer stated that he met with David Hedison and the project had to be a LIP project because of it being a hybrid. Mr. Pointer also stated that the location was suitable for additional traffic, and complies with the Master Plan.

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Mark Slegar stated that access to the site would be from Littleton Rd., which is underdeveloped land. Mr. Slegar noted that there would be 96 parking spaces, 2 spaces per unit. Selectman Newcomb asked if 1 space was provided per senior unit. Mr. Pointer stated that this was correct, with additional parking outside of the garage.

Mr. Pointer introduced the architect of the project, Mr. David Mueller. Mr. Mueller stated that the buildings would be townhouses with 3 floors of 8 units each with an area of 564sqft.

Chairman Eliopoulos suggested a site visit be arranged for the Board. Selectman Newcomb stated that he wanted to get a better idea of the property lines. Chairman Eliopoulos stated that no vote would be taken until the site was seen by the Board. A tentative site visit was set for Monday July 18, 5:00pm.

Selectman Newcomb asked if it was the intention to make Chamberlain an access road to the site. Mr. Pointer stated that they would use whatever the Zoning Board tells them to use for the best entrance. Selectman Chase asked what the rationale was to purchase the property adjacent to proposed site. Mr. Pointer stated that it came on the market at a fair price and it was one less variable, and it was not bought for access into the proposed project. Mr. Slegar stated that he would speak to the fire chief with the access concerns for emergency vehicles. Selectman McCall asked that the developers were mindful of the surrounding neighborhood. Chairman Eliopoulos stated that there would be time for public input at the next meeting.

David Cowley, resident-26 Chamberlain Rd, stated that the elderly housing was right near Interstate 495 and that at night you can hear the trucks. Mr. Cowley also stated that the senior housing was in the least desirable lot on the site.

Christine Ingalliana, resident 23-Chamberlain Rd., lived here since 1995 and damage was done to her home when blasting occurred on another project. Ms. Ingalliana was also concerned about traffic out of Chamberlain Rd and the high risk of accidents. Chairman Eliopoulos stated that Ms. Should document any damage done to her property

> **Motion:** Selectman Dalton made a motion to continue the public hearing on July 25, 2005. Selectman McCall seconded. Motion unanimously carried.

LIP 40 B Project: 67 Princeton Street:

Doug Hausler of Lampert, Hausler and Rodman, of Chelmsford proposed a development at 67 Princeton Ridge for 9 Townhouses. Mr. Haulser introduced the project engineer Tony Maa, also Jeff Rider. Mr. Haulser also introduced the principal Mark McKarow and the project architect and Steve Wotjas of Chelmsford. Mr. Haulser stated that 33% of the units would be affordable units. The unit would be 1200 sqft with an underground garage and an additional space outside. The prices would be $125,000-135,000, and will

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be a LIP project. Mr. Haulser noted that there were two concerns when they spoke to abutters: (1.) A retaining wall not disturbed (2.) To have the property lines staked out.

Steve Wojas stated that it was a simple design with simple construction that fits into the style of the area. Mr. Haulser noted that the vehicle access road will be expanded.

George Merrill, resident-108 Dunstable Rd, pointed out an old canal on the property site and that it should preserved. Mr. Maa stated that the canal would remain. Mr. Merrill also was concerned with an old stonewall that is on the property.

Motion: Selectman Dalton made a motion to endorse the project at Princeton Ridge Condo local initiative project. Amended to include Mr. Andy Sheehan's recommendations. Selectman McCall seconded. Motion unanimously carried.

Town Manager Contract/Bid Awards:

1. Office Supplies: Mr. Lynch stated that Corporate Express gives 25% off for the entire town because it is part of a multiple town partnership and there is no fee to join.
   Motion: Selectman Dalton made a motion to approve the Town Manager's recommendation of Corporate Express Office Products to supply office supplies to the Town of Chelmsford. Selectman McCall seconded. Motion unanimously carried.

2. Center Fire Station Shoring: Mr. Lynch stated that there was a bid out for shoring was received for $24,875 to Pinnacle Construction. Selectman McCall asked if there will be space for storage once the shoring is completed. Mr. Lynch noted that some equipment was moved to a different location and there will be some storage space available.
   Motion: Selectman Dalton made a motion to approve the bid for shoring the Fire station to Pinnacle Construction for $24,875. Selectman McCall seconded. Motion unanimously carried.

3. School Project Electrical: Mr. Lynch stated that the low bidder was Maiuri Electric Corporation at $1,144,143, which was recommended by the Building Committee. Selectman Newcomb noted that this bid came in under budget. Selectman Newcomb also stated that the money will cover work done at the High School and 2 middle schools over the summer.
   Motion: Selectman Dalton made a motion to approve the electrical bid for the School Building Project for $1,144,143 to Maiuri Electric Corporation. Selectman McCall seconded. Motion unanimously carried.

Appointment of Town Counsel/Capital Planning Committee:

Mr. Lynch stated that this counsel covered all services except labor counsel and tax title work. Chairman Eliopoulos noted that it was a one year appointment expiring June 30, 2006

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Motion: Selectman Dalton made a motion to approve the Town counsel of Kopelman and Paige. Selectman McCall seconded. Motion unanimously carried.

Motion: Selectman Dalton made a motion to approve Dennis Bak of 16 Pinewood and John Morrison of 38 Pinewood to the Capital Planning Committee for a 1-year term expiring June 2006. Selectman McCall seconded. Motion unanimously carried.

Verizon Petitions for Poles on Chelmsford Street and on Billerica Rd:

Mr. Lynch stated that Glenn Ave work ties into the Route 3 project and likewise for Billerica Road and requests the Boards approval.

Motion: Selectman Dalton made a motion to approve the relocation of utility pole 2/8S petition 18 on Chelmsford St and petition 90 pole 27/97.5 on Billerica Rd. Selectman McCall seconded. Motion unanimously carried.

Selectman Referrals:

Selectman Newcomb made the following referrals:

1. The School Building Committee is asking the Board to meet and vote on August 1, 2005, regarding a contract for building construction. Selectman Newcomb stated that the committee is in the design stage of the project. Windows are to be installed at McCarthy and at Parker by the end of the summer. Selectman Dalton asked why the windows appear to be taking a long time to install. Selectman Newcomb responded by stating that there were a number of reasons. Selectman Newcomb added that al of the shades will be replaced in the school.
2. There will be a public input of Sycamore Street at the next meeting and Selectman Newcomb suggested putting the vote off until the August 15th meeting in order to process the input session.

Selectman McCall made the following referrals:

1. Paving issue. Selectman Eliopoulos wanted to acknowledge the great job the DPW did after the parade.
2. Selectman McCall asked the status of Golden Cove Rd. Mr. Lynch stated that Mass Electric was nearing conclusion and hopefully by August, the signals will be working. Selectman Newcomb asked when the pole work in the center will start. Mr. Lynch stated that work should start by early fall.

Chairman Eliopoulos suggested a letter to be sent to the representatives regarding the telecommunication tax bill and to let when representatives know the Town will be watching how they vote.

Selectman Dalton made the following referrals:

1. Selectman Dalton asked where things were on Meadow Brick Rd. Mr. Lynch stated that litigation has been filed and the Town is looking for the courts to take action. Selectman Dalton asked about the contamination of the area and that the

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water district is across the street. Mr. Lynch stated that he will ask the Board of Health to look at the water; contact the water district; and Ask Mr. Sheehan about conservation.

2. Selectman Dalton asked about the new trash policy. Mr. Lynch stated that it is 4 barrels per home, which will help hold down costs. Mr. Lynch noted that there had been no change in policy in the past 18 years. Mr. Lynch hopes to have more information by the fall Town Meeting about multifamily units. Selectman Newcomb asked if there could be an application for those residents who produce more trash because of medical containers.
3. Selectman Dalton commented on all of the 350th celebrations and how well they went. Mr. Lynch added that the steering committee did a great job and there are October events coming up.

Selectman Chase made the following referrals:

1. Selectman Chase stated that the Mayor from Chelmsford England and the McCarthy School 5th grade are corresponding with projects.
2. At the School Committee meeting, work has begun on a budgetary plan for FY07. Tom Mills presented on education then and now and the group discussed Chapter 70 aid.
3. Selectman Chase thanked the representative from DOR who met with the Board and now looking for next steps. Chairman Eliopoulos stated that the next step is to meet with Vision again and have Vision read the Tax Classification Committee's Report. It was suggested to have this done at the August 15th Meeting.

Chairman Eliopoulos made the following referrals:

1. Chairman Eliopoulos stated that the Goal Setting should be placed on the July 25th Agenda and to focus more on the macro goals. Mr. Lynch stated that after the macro goals are discussed the Board should look at more general ideals focusing on objectives.
2. There will be a meeting July 20th for the McFarland Road Sound Barrier, and Chairman Eliopoulos invited Board members to attend the meeting to show a united front. The meeting will be at 7:00pm, room 204.

Press Question:

1. How many years has George Merrill been on the Historical Commission? Mr. Lynch stated that George Merrill has been a member for 14 years or 3 terms.
2. The spelling of the new members of the Historical Commission. Mr. Lynch stated the spelling of the names of Douglas Wright and Kevin Goddu

Motion: Selectman Dalton made a motion to adjourn to executive session at **9:55 pm**. Selectman McCall seconded. Motion unanimously carried.

Next Scheduled meeting is **July 25, 2005**

Respectfully Submitted,

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TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, July 25, 2005
Town Offices, 50 Boston Road

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager

7:04pm
Open Session:

1. Eugene Dunby, resident-58 Richardson Rd., asked the Board what the status was with his concerns. Selectman Newcomb told Mr. Dunby that he is awaiting word from the Secretary of State's office and it is this office that controls the web page. Selectman Newcomb stated that he would keep on top of the issue.

BOS Meeting Minutes:

Motion: Selectman Dalton made a motion to approve BOS meeting minutes for June 6, 2005, June 9, 2005, June 20, 2005, and Executive Session Minutes for June 20, 2005. Selectman McCall seconded. Motion unanimously carried. June 20th BOS meeting minutes amended to read on pg. 6 Referral no.; The School Committee attended the June 2nd legislation session and Selectman McCall and Selectman Chase also attended and testimony was given on behalf of the BOS and Town. Selectman McCall seconded. Motion unanimously carried.

Motion: Selectman Dalton made a motion to approve BOS meeting minutes for May 9, 2005. Selectman McCall seconded. Motion carried with Selectman Dalton abstaining.

Town Manager Reports/ FY06 Goals:

Mr. Lynch presented the Board with a Power Point presentation of the FY06 Goals, Objectives and Action Items. Mr. Lynch stated that the under the four goals (Government. Structure, Fiscal Stability, Growth Management and Infrastructure) there would be a lot of overlapping of objectives. Mr. Lynch outlined each goal with their objectives:

Goal 1 Fiscal Stability: Mr. Lynch discussed the challenges of the budget and how health insurance is creeping up. Mr. Lynch noted the tax exemptions programs, providing additional tax breaks to people. Mr. Lynch noted other areas of revenue sources, i.e. passport fees.

Goal 2 Manage Town Growth: Mr. Lynch stated that this was being worked on and planning has begun.

Goal 3 Enhance Government Structure: Mr. Lynch stated that the charter is being looked at and that more will be done to share information with other communities.

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Goal 4 Infrastructure: Mr. Lynch mentioned the upcoming meeting with the Finance and School Committees. Chairman Eliopoulos asked Mr. Lynch if before the next meeting the Board could have a copy of the municipal budget to look at school verse non-school budget. Mr. Lynch stated that he would get that together for the Board by the fall meeting.

Continuation of Public Hearing Applebee's Application for All Alcohol License:

Motion: Selectman Dalton made a motion to approve the all Alcohol Beverage license to Applebee's Northeast, located at Applebee's Neighborhood Bar and Grill at 50 Drum Hill Rd., with the hours of operation of 11am-1am Monday through Sunday. Selectman McCall seconded. Motion unanimously carried.

Application for One-Day License St. Vartanantz Church:

No one was present to address the Board, but Mr. Lynch stated it was a standard request.

Motion: Selectman Dalton made a motion approve the One-Day Beer and Wine License to St. Vartanantz Church at 180 Old Westford Rd, August 14, 2005, from 12pm-6pm. Selectman McCall seconded. Motion unanimously carried

Sycamore Street Road Closure Public Input:

Chairman Eliopoulos suggested hearing from the Town Officials before hearing from residents on the Sycamore issue.

Officials

Jack Parow, *Fire Chief,* addressed the Board by stating that a letter had been sent prior to the meeting. Mr. Parow stated that access to the road was very difficult with the physical barrier placed at Sycamore Street. Mr. Parow was concerned with access to West Chelmsford and stated that there needed to be two ways in and out. If an accident blocked off Westford Road, one access was into West Chelmsford, then their access would be Sycamore Street. Engines need to clear the corner and with the barrier, the engines are unable to turn. Mr. Parow stated that any physical barrier makes it harder for the trucks and that maintenance needs to be stepped up. Mr. Parow noted that there are many other places like Sycamore Street in Town and that it is not a one street issues. Mr. Lynch stated that around the country issue like this are being addressed and would like an action item to be how other communities are dealing with this kind of issue.

Raymond McCusker, *Police Chief,* stated that a copy of a memo was sent prior to this meeting. Mr. McCusker told the Board that police vehicles can make the turn onto Sycamore. Mr. McCusker also stated that there have been many complaints over the years of traffic on Sycamore Street and that speed was never the issue. Mr. McCusker added that the experiment works but it should not jeopardize public safety.

Jim Pearson, *Town Engineer,* stated that the physical barrier design could cause plowing problems and drainage issues but these can be addressed.

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Residents

Jennifer Connor, resident-2 Sycamore St, told the Board that the residents did not request the traffic calming policy. Ms. Connor read a prepared statement addressing the concerns:

1. Violation of Tax payer's right; Ms. Connor stated that this was not the case and that the road was restricted for all residents.
2. Inconvenience; Ms. Connor stated that only 30 seconds is added to driving time and that it was worth it to have safer roads.
3. Preferential Treatment; Ms. Connor stated that it was a Town Policy and that Sycamore Street qualified under the guidelines.
4. Fair for Sycamore fair for all; Ms. Connor stated that all residents can seek relief if they follow the process.
5. Traffic pushed to other streets; Ms. Connor reiterated that it was a 60 day trial and that some extra traffic had been reported.
6. Jersey Barriers; Ms. Connor stated that yes the barriers are ugly but they will be replaced.

Ms. Connor concluded by thanking the Board and Town Officials for making public safety an important issue.

Andy Stewart, resident-27 Berkley Drive, opposed the policy and the traffic calming solution on Sycamore. Mr. Stewart stated that tax payers have every right to drive on the road and urged the Board to put Sycamore Street back the way it was. Mr. Stewart asked the Board to look at why people are going down Sycamore, and that this is the bigger problem.

Rachel Haded, resident-6 Sycamore St., read a letter on behalf of Mary Tiano resident-1 Spruce Street. Ms Tiano wrote that the traffic calming policy has not negatively impacted the neighborhood. Ms. Tiano urged the Board to evaluate the policy and to continue to provide relief to Sycamore Street. Ms. Haded asked the Board if the Fire Chief was consulted before the policy was put in place. Mr. Lynch stated that the Fire Chief was consulted after the decision to try out the policy was made. Ms. Haded asked if there was any type of device that would work on Sycamore. Mr. Lynch answered that the Town is looking into how other communities are dealing with the same issues.

Cheryl Dusharm, resident-176 Westford Rd., noted that a petition against the traffic calming was being passed around. Ms Dusharm stated that the traffic was being diverted to Westford, which is making things more dangerous. Ms. Dusharm stated that 30 seconds was a lot of time for some residents. Ms. Dusharm remarked on her other families in the neighborhood had testimony from other neighbors against the traffic calming policy on Sycamore and delivered the documentation to the Board.

Joe Wissman, resident-14 Sycamore stated that cut-through traffic on Sycamore Street outnumbers the residents, causing more opponents to the plan than supporters. Sycamore Street was not designed to handle the traffic flow and that a physical barrier is not the only solution. Mr. Wissman stated that if not adopting a plan is based on personal inconvenience then it is unlikely that any plan will be adopted for any street in

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Chelmsford. Mr. Wissman stated that the street is safer and he and his wife support the traffic abatement solution on Sycamore Street.

Cheryl Boss, resident-3 Sycamore St., stated that residents have been asking for help for many years and that it is a safety issue. Ms. Boss stated that meetings had occurred prior to the policy and that having a barrier was not a solution. Ms. Boss noted that Sycamore Street was not a main cut through and the street does not connect to a major thoroughfare. At certain times of the day, mainly when school starts and the high school is out, there is a flood of cars. Ms. Boss also noted that speed was an issue on the street.

Jodie O'Neil, resident-12 Walnut St., stated that there is a safety issue on Sycamore Street and that she will not let her kids out of the car on the street side. Ms. O'Neil stated that something had to be done to help the residents and that it was a good policy.

Susan Baily, resident-5 Merrilda Ave, has a mother and other elderly relatives who live on Courtland Drive. Ms Bailey stated that she travels through Sycamore Street more than twice a day and that sometimes minutes makes a big difference. Ms. Bailey never considered Sycamore Street a cut through, just the way she goes to get to her family.

Margo Quinn, resident-3 Arbutus Way stated that she was shocked at the speed cars go and stated that the proposed solution has been effective. Ms. Quinn thanked the Board.

Chairman Eliopoulos thanked all of those who spoke and stated that he and the Board would take the comments and discuss the issue with the Town Manager to come up with a resolution. Chairman Eliopoulos tabled the discussion for later in the meeting.

Application for Transfer of Class II Automotive Dealers License John's Auto Sales:
Craig Duxbury of 297 Littleton Rd., owner of A-1 Auto Body addressed the Board and requested a transfer of a Class II License. Chairman Eliopoulos stated that it was contingent on an inspection. Mr. Lynch stated that the property was limited to 3 vehicles and proof of insurance was needed.

> **Motion:** Selectman Dalton made a motion to approve the transfer of a Class II dealer license for 297 Littleton Road to A-1 Auto body Collision and Sales Co. with the contingency of approval of the building inspector and proof of insurance. Selectman McCall seconded. Motion unanimously carried.

Application for Common Victualer License The Americana Café:
Carol Miraglia of Pepperal, MA requested a Common Victualer license. Mr. Lynch stated that a food service permit was needed as well as proof of insurance.

> **Motion:** Selectman Dalton made a motion to approve a Common Victualer License for the American Café on 14 Fletcher St. with hour of operation of weekdays and Saturdays 6am-10pm and Sundays 7am-8pm, subject to food service permit and proof of insurance. Selectman McCall seconded. Motion unanimously carried.

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BOS Approval: Interim Loan Agreements for Sewer Construction Projects:

Ms. Speidel stated that all of the legal requirements were met. Ms Speidel stated that the interest rate was 1.275%, which will be a huge savings.

A. CW-03-02A-Chestnut Hill

Motion: Selectman McCall read the following:

1. That the Town shall issue a bond in an aggregate principal amount not to exceed $5,850,000 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and votes of the Town passed October 20, 2003 (Article 13) and October 18, 2004 (Article 11), for construction of sewers and other water pollution control facilities (the "Project");
2. That in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed $5,312,014;
3. that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the "Trust") at a price determined pursuant to the Loan Agreement;
4. that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Loan Agreement or Agreements with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;
5. that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and
6. that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary and convenient to carry out the provisions of this vote, including execution and delivery of the loan Agreements and the project Regulatory Agreements relating to the Project.

Selectman Newcomb seconded. Motion unanimously carried.

B. CW-04-16-High Street/Hunt Road TYPE

Motion: Selectman McCall read the following:

7. That the Town shall issue a bond in an aggregate principal amount not to exceed $8,000,000 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and votes of the Town passed October 20, 2003 (Article 13) and October 18, 2004 (Article 11), for construction of sewers and other water pollution control facilities (the "Project");
8. That in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed $5, 040,968;

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9. that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the "Trust") at a price determined pursuant to the Loan Agreement;
10. that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Loan Agreement or Agreements with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;
11. that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and
12. that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary and convenient to carry out the provisions of this vote, including execution and delivery of the loan Agreements and the project Regulatory Agreements relating to the Project.

Selectman Newcomb seconded. Motion unanimously carried.

Resident Petition "No Parking" Signs on Glen Avenue:

Raymond McCusker, *Police Chief*, stated that there were no objections to parking issue and those visitors to the complex are the majority of those parking.

Jim Pearson, *Town Engineer,* stated that he took an overview of the area. Mr. Pearson stated that the pavement needed to be widened to 22ft similar to newly built streets. Mr. Pearson recognized the traffic impact on the other streets. Mr. Pearson stated that it was too large of an area and that a no parking sign will lead to parking other places. Mr. Pearson stated that there was only one issue with one driveway and that he would work with Chief McCusker to look for an alternative. Chairman Eliopoulos asked if there was any place for additional visitor parking on the site. Mr. Pearson responded by informing the Board that there are 12 overflow spaces making it 2 ½ spaces per unit. Mr. Pearson added that no permit conditions were given regarding parking on Glen Ave. Selectman Newcomb was concerned with shifting the parking problem over to other streets. Chairman Eliopoulos suggested holding off on the vote until the August 15th meeting.

Sycamore Street-*Continued*

Selectman McCall referred to other locations with traffic calming policies such as Cambridge and this ought to be looked into. Mr. Lynch stated that the issue is being addressed with a physical barrier because anything else will be violated and the concern is access to emergency vehicles. Mr. Lynch added the need for the Town to create public safety. Selectman Newcomb stated that the purpose of the policy is to limit traffic and it is working here. Selectman Newcomb also suggested looking into the national standards and to look at other communities and how they have dealt with snow removal and maintenance. Chairman Eliopoulos asked Ms. Boss what other solutions besides barriers her meetings with residents produced. Ms. Boss stated that speed bumps were suggested and constant police enforcement. Selectman Newcomb reminded the Board that volume

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was the issue on Sycamore Street not speed. Mr. Lynch stated that enforcement is a problem of the strain on the department. Ms. Boss reiterated that the traffic calming policy is working. Chairman Eliopoulos asked residents to call with any further input on the issue. Selectman Chase stated that the public input session was good and that this case is setting a precedent for the traffic calming policy in Town.

Selectman Referrals:

Selectman Chase made the following referrals:

1. Selectman Chase asked if the meeting minutes could be put in electronic form once they are approved by the Board. Mr. Lynch stated that he and his office are working to put minutes past and future on the web site.

Selectman Dalton made the following referrals:

1. Selectman Dalton asked about the status on Meadowbrook Rd. Mr. Lynch stated that the Town is waiting for action and that the judge has issued a preliminary injunction on the Towns behalf to obtain zoning enforcement on the property.
2. Selectman Dalton asked about the status of Red Wing Farm. Mr. Lynch stated that the Town is working to get the property up for sale but there is a question with the preservation restrictions on it. Selectman McCall stated that the Community Preservation Committee has discussed this and that the Historical Commission has someone working on a draft of the restrictions. Selectman McCall added that the property has historic significance and that whoever buys it can only restore the property. Selectman McCall stated that too many restrictions will cause a lack of bids. Selectman Newcomb asked about the land behind the property and its public access. Mr. Lynch stated that he would get back to the Board on this issue.
3. Selectman Dalton asked about the status of North Town Hall. Mr. Lynch stated that some repairs have been done and it is being used for storage.
4. Selectman Dalton stated Vision is getting back to him on a possible meeting on August 15, to discuss tax classification.
5. Selectman Dalton regarded a memo on staff downsizing and was concerned with the Assistant to the Town Manager position. Selectman Dalton stated that if there were a transition period for the Town and there was no official Town Manager that there is someone there for back-up. Selectman Chase suggested that this be a goal and objective for the Board titled succession planning. Mr. Lynch stated that there are a number a qualified people in the Town Manager's office and in the overall organization and he does not foresee a problem.

Selectman McCall made the following referrals:

1. Selectman McCall stated that he spoke with representative of Modern Continental about Drum Hill and hoped the issues would be resolved by October. Selectman McCall also commented on the Sycamore Street issue and how it will be the first time the Board will make a formal decision regarding traffic calming policy.

Selectman Newcomb made the following referrals:

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1. The Charter Review Committee met and will be meeting every other Wednesday of the month and are looking for formal input to the charter. A form is being created that people will be able to summit and the committee is looking to put it on-line. The committee is also looking to have their own web page where people can easily find the Town's Charter. Selectman Newcomb also mentioned that a final report of the charter was floating around and that that also was something the committee wanted on the Town's web page.
2. Selectman Newcomb asked for a short meeting to vote on the School Building Committees.
3. Selectman Newcomb mentioned parking behind the Sovereign Bank and the sign that is up to enter the lot. The sign is causing motorists to fishhook into the lot creating confusion in the center.

Chairman Eliopoulos made the following referrals:

1. Chairman Eliopoulos commented on the sound barrier meeting held and the proposed McDonalds rest area. Chairman Eliopoulos stated that there will be a meeting between the state and Modern Continental in a few weeks and a plan could be in place by Town meeting. Mr. Lynch stated that this needs to go to the planning board and through the whole public hearing process. Chairman Eliopoulos stated that he would report back to the Board.
2. There is a 495 transportation study meeting on Thursday July 28, 2005 at 10am.
3. A letter should go out to the Charter Review Commission to plan a night when the Board can come in.

Motion: Selectman Chase made a motion to send a letter to the Charter Review Committee to arrange a joint meeting between the Board and the committee. Selectman McCall seconded. Motion unanimously carried.

Goals Discussion-*Continued*:

Mr. Lynch stated that a spot on the agenda could be put in place for the discussion of where the Town is on goals and objectives. Selectman Newcomb suggested that some goals and objectives need to be monitored. Chairman Eliopoulos suggested in the action items be a discussion about recycling. Mr. Lynch agreed and how it could be a savings opportunity for the Town. Selectman McCall stated that the goals and objectives is a framework that can be filled in year after year. Selectman McCall also mentioned two general objectives regarding recreation and having the representatives back in for meetings on a regular basis. Selectman Chase mentioned succession planning as an objective.

Press Question: TIVO

1. When was the traffic calming policy implemented? Mr. Lynch stated August 23, 2004
2. How many streets are currently going through the process? Mr. Lynch stated that some speed studies are out.
3. Have not heard from Brentwood? Mr. Lynch stated that no answer has come yet and the curves on Brentwood serve a purpose.

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4. Has Jeff Stallard resigned from the Historical Commission and has George Merrill taken his place. Yes
5. When are the Jersey barriers being taken away? Chairman Eliopoulos stated that it is a temporary solution. Mr. Lynch stated the barriers will come down.

Motion: Selectman Dalton made a motion to adjourn to executive session at **9:32pm**. Selectman McCall seconded. Motion unanimously carried.

Next Scheduled meeting is **August 15, 2005**

Respectfully Submitted,

Patrice Garvin

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TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, August 15, 2005
Town Offices, 50 Boston Road

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager

7:04pm
Hillside Gardens:
Attorney Mr. Paul Alphen represented the applicant and updated the Board on the project's progress since the last meeting. Mr. Alphen stated that since the site visit, it has been difficult to ascertain the boundary lines. Survey work has been performed and completed and Mr. Alphen stated that the surveyors and engineers will meet soon to discuss the findings. Mr. Alphen stated that after this meeting another site visit is possible.

Chairman Eliopoulos asked Mr. Alphen to keep in mind the proximity of the project to existing structures. Mr. Alphen stated that there has been talk to possibly move the access road between the buildings, which may help. Selectman Newcomb asked what access road Mr. Alphen was referring to on the project. Mr. Alphen responded that he was referring to a driveway leading to one of the buildings.

Selectman Newcomb stated that a secondary means of access into the project was an issue and that the fire chief in the past has stated "two ways in and two ways out" to any given site. Selectman Newcomb also noted that the fire chief would not support gated access. Selectman Newcomb asked Mr. Alphen where the second access would be because there is concern about using Chamberlain Road. Selectman McCall stated that there is a narrow road and residents do not want any access onto Chamberlain Road because of public safety and that further plans are needed.

PSA Gold Star Award-Judy Buswick: Presented by the Cultural Council and Senator Fargo:
Mr. Lynch stated that the Chelmsford Cultural Council (CCC) awarded the Gold Star Award from the Mass Cultural Council (MCC) to Judy Buswick for her production of *Chelmsford Glass to Art* video. Mr. Lynch stated that the video reflected Chelmsford in U.S. History and the artwork was the source for the 350th logo. Mr. Lynch thanked Ms. Buswick for her work and stated that the video has been played in Chelmsford, England, giving it global play.

Senator Susan Fargo presented the award and stated that Chelmsford receiving this award was a great honor for the Town. Senator Fargo named those who were also responsible

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for the project: The Editor, Cultural Committee Chair, Local History Experts, German History Researcher, Narrator, Musician, Glass Blower and Glass Artist, family members and Chelmsford Telemedia. Ms. Buswick stated that the project was a community effort and enjoyed doing the video and thanked the Board and Senator Fargo for the award.

Shelia Schultz of Chelmsford Cultural Council extended her thanks to Senator Fargo and presented her with a plaque for supporting the cultural arts.

Open Session:

Chairman Eliopoulos stated that if there was anyone present that did not get a chance to address the Board at the last meeting to discuss Sycamore Street, now was the time to speak.

1. Sam Poulten, Nashoba Tech invited the Board to the school committee meeting at 11:00 August 16th at Nashoba Technical School. The school is going to be receiving 13 million dollars from the State Treasurer. Mr. Poulten stated that Nashoba School was the first to receive the lump sum of money. Mr. Poulten stated that there would be a brief ceremony with refreshments. Mr. Poulten thanked the Board and Mr. Lynch.
2. Mary Tiano, resident- 1 Spruce Street, asked the Board what the next step is for the Street if the Board votes "no" to a barrier. Ms. Tiano referred to the Traffic Calming Policy and asked if then it would be remanded back to the Planning Group. Mr. Lynch stated that the Board does not need the ok from any committee to take action. Ms. Tiano stated that the neighborhood has to give 2/3 support. Chairman Eliopoulos stated that the Board can make any traffic change at any time and that the Traffic Policy does not restrict the Board. Ms. Tiano asked then how residents can seek help. Ms. Tiano stated that comments made in a recent Globe article shows the residents feel that they are not being heard. Chairman Eliopoulos stated that the residents should not feel that they are not being heard because Sycamore Street is what drove the Town to adopt a traffic Calming Policy. Chairman Eliopoulos added that the temporary barrier was a drastic solution and time must be given to gather more information.
3. Dan Burke, resident-7 Arbutus Ave, stated that he has lived in the neighborhood for over 41 years and does not support the closing of the street. Mr. Burke added that many factors went into the change in traffic on Sycamore St. and that speed has not been addressed.
4. Eugene Dunby, resident-58 Richardson Rd., asked the Board what the status was with his concerns. Selectman Newcomb told Mr. Dunby that he is awaiting word from the Secretary of State's Office and it is this office that controls the web page. Mr. Dunby's main issue is that there are words misspelled on the web page and that the Selectmen control the state and not the other way around. Selectman McCall suggested filing a suit with the state. Mr. Dunby stated that the state's constitution should be taught in schools. Selectman Newcomb stated that he would keep on top of the issue. Chairman Eliopoulos stated that the Board supports Mr. Dunby's efforts and will help work through the proper channels.

Joanne's Kitchen, 257 Littleton Rd; Change of Owners:

Antonio Sales Correa, Maynard, MA addressed the Board. Chairman Eliopoulos stated that Mr. Correa bought Joanne's Kitchen and is requesting a transfer of license and keeping the name of Joanne's Kitchen. Selectman Newcomb asked if the floor plan and hours were staying the same. Mr. Correa stated the floor plan would stay they same and the hours would be weekdays 6am-8pm and 7am-1am on Sundays. Mr. Lynch stated that additional training has been done through the Board of Health.

Motion: Selectman Dalton made a motion to approve the transfer of a common victualer license to Antonio Sales Correa of Maynard, MA with the hours of operation of weekdays 6am-8pm and Sundays 7am-1am. Selectman McCall seconded. Motion carried with Selectman Dalton abstaining.

Subway, 6-4 Parkhurst Road (Wal-Mart):

Jayesh Shah, Nashua, NH, asked the Board for a Common Vitualer License for a Subway at 66-4 Parkhurst Road inside the existing Wal-Mart Cafeteria. Chairman Eliopoulos asked if there was any change to the layout and hours of operation. Mr. Shah stated that the layout and hours will be the same.

Motion: Selectman Dalton made a motion to approve Common Victualer License to Jayesh Shah Nilnia, LLC/Subway at 66-4 Parhurst Rd. for the hours of operation from 7am-10pm weekdays and Sundays. Selectman McCall seconded. Motion unanimously carried.

Open Session *Cont.*:

1. Paula Rader, resident 32 Glen Ave stated that because of the parking children have to play in the street. Ms. Rader stated that there was a need to park on the street. Selectman Newcomb stated that the issue could be reviewed in the future.
2. Donald Van Dyne, resident-29 Brentwood Street, commented on the block party attended by two sets of neighborhoods and stated that it was good for the neighborhood as a whole.

Vision Appraisal Technology:

Selectman Eliopoulos asked Selectman Chase to review the Tax Study and BOS subcommittee's work to date. Selectman Chase described the process to date and stated the Tax Classification Study Committee's conclusion as "the Income Method of valuation for Commercial/Industrial properties historically and consistently undervalues those properties significantly with respect to Market Value."

At the conclusion of the review, Selectman Eliopoulos asked Mr. Tarello to identify himself for the record. Mr. Tarello identified himself by name and as an employee of Vision Appraisal, the town's consultant appraisal service.

Selectman Eliopoulos then asked Mr. Tarello to describe his role relative to the appraisal process that the town uses to value property.

Mr. Tarello said that the appraisal process is very complicated and detailed. The process is a method for determining Fair Market Value (FMV) for the commercial and residential

properties at a given point in time, which is January 1st of each year. 3 approaches are typically used to determine FMV. The first is an analysis based on market sales. The second is the income method, which involves taking a rental income stream and capitalizing it to determine a property's present value. The third is the cost approach, where an appraiser determines the current cost for building a structure and acquiring the land. Those are the three approaches. They are dependent on each other. The cost approach is dependent on market information derived from the sales approach. The income approach is dependent on the sales approach because that information is required to develop the Capitalization rates through a sale and income stream. All approaches are used together to arrive at a current market value.

Mr. Tarello added that it is required for assessment valuation purposes that property be valued on a fee simple basis. The appraisal process requires that property be valued considering current market conditions, current rents, and current market sales; in short, all information that is considered by an appraiser must reflect current market conditions for the period under consideration. Mr. Tarello said that this is a vital point, because many commercial properties are purchased on a lease fee basis, and the purchase price of such properties may therefore reflect more or less than the market value of the property itself. Properties have to be valued without that influence, and the FMV must be based on a property's current ability under current market conditions with respect to rent, expenses and other variables to generate income. The income stream that is used as a basis for determining market value must be based on current market economic conditions. An old high value lease terminating at a future time must be discounted as not reflective of current market conditions. A current below market or "uneconomic" lease must as well be discounted as not reflective of current market conditions in determining FMV.

Mr. Tarello indicated that property can not be appraised or assessed on anything but a fee simple basis for the purpose of assessing property taxes. Many of the commercial property sales that are recorded on the LA3 sheets are mixed, lease and simple fee. A property's assessed value can not be determined on a lease fee purchase basis. Can't include personal property, business goodwill. Sales can be used as a reference point, but must be adjusted to a fee simple basis in part by discounting the effect of an existing lease that does not reflect current market conditions. Many commercial sales are not current market fee simple based sales because the sale price may be based on the fee simple property value plus the value of an existing uneconomic or over-market value lease.

Many properties are purchased with an income stream. If the income is based on a current market lease, it can be used because it reflects the current market situation.

Mr. Tarello reviewed a specific example at the request of the Board. Example Reviewed: 270 Billerica Road. Purchased November 2003 for approximately $11 million and again in July 2004 for approximately $12 million. During his review of these sales, Mr. Tarello determined that these were investment purchases, not market fee simple based purchases reflective of current market conditions. Current market rents at the time of review are

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$12.50 per square foot on a Gross Lease basis, with expenses running at approximately $6 per square foot. (Gross Lease basis means that the Landlord pays all expenses). So the current market Net Income is $6 per square foot, $12/sqft less $6 sq/ft expense, Net $6. However, the purchasers in 2003 and 2004 bought a long term lease (expires 2013 with escalations) along with the building at a rate and basis of $12.13 per sq/ft Triple Net, which is approximately $6 per sq ft net yield more than the current market lease rate and basis supports. So the purchasers bought the building on a lease fee basis with an existing lease that was worth more than the current market value leases being negotiated today. Mr. Tarello said that FMV must be based on current market conditions, not on a lease negotiated at an earlier time that is reflective of market conditions at that time.

Mr. Tarello said that an assessor's task is to adjust to the market. Either up or down, it doesn't matter. 270 Billerica Road is qualified as a lease fee sale, but as a fee simple sale it must be adjusted to meet the qualified market time period.

Mr. Tarello said that commercial property must be valued using a minimum of two approaches. 270 Billerica Road is assessed currently at $45 per square foot. The construction cost method costs the building out at much higher value than an income stream based on current market factors will support, so the cost method must be adjusted downward. If the current income stream will not support new construction costs, then new buildings for that investment purpose will not be built. Mr. Tarello offered the following example: The current market rents will only sustain a building valuation of $45 per square foot. The market will not pay more for that type of building/use. It currently costs much more on a per square foot basis to build that type of building for that use. Under those circumstances, the building will not be built because the cost to build per square foot exceeds the building's ability to amortize the building costs within an acceptable time frame. Mr. Tarello said that in prior economic times, the reverse was true (1980s Condo market, for example). The market valued the condos far in excess of their cost to build, so new construction of condos was widespread. That is how the market works, supply and demand. Therefore when applying the cost approach, the values derived from that approach are adjusted either for obsolescence (downward) or market sales that exceed construction costs (upward).

Selectman McCall questioned the use of regional sales data to support commercial property values (use of sales approach). Mr. McCall said that this had been discussed with DOR Division of Assessments representative Joanne Graziano during our June 22, 2005 work session. Mr. Tarello responded that regional sales would have to be adjusted for locations and many other factors. There are approximately 30 adjustments that might be considered; again, he stressed that all three approaches to determining an opinion of FMV must be considered, and that the further you get away from the local situation, the less reliable the comparison.

Mr. Tarello said that the process requires reconciliation to current market conditions. When using the cost basis approach, it must be reconciled to current market conditions. Mr. Tarello said that an assessor/appraiser must go with leases that are occurring during the prior year.

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Selectman Newcomb asked how the FMV for a typical 50,000 sq foot mall would be determined. Mr. Tarello was prepared to review a specific property and presented a representative example, 7 Summer Street. Mr. Tarello said that a competent appraiser or assessor would proceed as follows: First, look at the property from the standpoint of all three valuation approaches. Second, look for sales of similar properties that occurred within the last few years that had market rents and were purchased on a fee simple basis. Then determine current market rents, apply current expense and vacancy rates using market data, consider the specifics for that particular property, and determine a capitalization rate based on market data. Then compare to cost approach to determine if the building and land costs can support the income stream. If not, adjust for economic obsolescence. If the rents don't support full construction cost valuation method, adjust downward. For commercial property valuations, an assessor or appraiser will consider all three valuation methods.

Selectman McCall asked if the vacancy rate that was applied for Summer Street is a market rate. Mr. Tarello said that an appraiser/assessor looks at average vacancy in community, then looks at the specific property. Example: currently, the area market office building vacancy rates are in the 25/27% range. An assessor/appraiser would look at a holding period of 4/5 years and then look at individual properties, then adjust to market making individual adjustments based on the specific property situation. Expense ratios and vacancy ratios are adjusted for each property. In the case of the Summer Street property, an 8% vacancy rate was used. If property is fully occupied, Vision does not apply a standard vacancy rate. Alternatively, if a building is completely vacant, standard appraisal practices dictate that you do not assign a 100% vacancy rate to the building. Under that scenario, an assessor/appraiser might assign a 30% vacancy rate until such time as the rental market recovers.

Selectman Newcomb asked questions relating to the meaning and application of the "Highest and Best Use" concept. Mr. Tarello responded that this means that the property is valued based on the best use of that property taking into consideration the building style, construction, location, etc. that will generate the highest income stream (rents). It also means that the property is unencumbered by a below or above market value lease. In determining FMV based on highest and best use, a market vacancy rate must be applied to all buildings in order to reflect market conditions.

Selectman McCall requested that Mr. Tarello describe how owner-occupied buildings are valued. Mr. Tarello responded that these are converted to fee simple basis and then valued as if the property is leased at current market rates, with appropriate adjustments for expenses and vacancy applied. The appraisal methodology must be consistent for all commercial properties. Again, the methodology for appraising commercial properties for tax assessment is fee simple based, and determination of income/expense and capitalization is based on current market conditions/rates, and specifics for currently leased properties are taken into consideration.

Selectman Chase commented that Mr. Tarello's comments so far appeared to support the definition of FMV or Full and Fair Cash Value adopted by the Massachusetts Supreme Court in Boston Gas Co. v. Assessors of Boston, 334 Mass. 549, 566 (1956), that is in part: "...A valuation limited to what the property is worth to the purchaser is not market value. The fair cash value is the value the property would have on January first of any taxable year in the hands of any owner, including the present owner." Mr. Tarello agreed with that definition and reiterated that FMV must be fee simple basis market value.

Selectman Eliopoulos commented that the understanding that we are developing is especially important because 2006 is a reevaluation year.

Selectman McCall asked if we could assume that any two or more competent appraisers would arrive at the same opinion of value for a specific property if valued at the same time under similar conditions. Mr. Tarello said that it depends on what you are valuing for. Any competent assessor asked to do the same task, that is, value the property for the same purpose, should be within a10/15% range.

Selectman McCall asked about use of standard vacancy rates: Mr. Tarello said that vacancy rate is a function of both the specific building and market rates.

Selectman Newcomb questioned the use of the cost approach to support a valuation based on use of the income method. Selectman Newcomb expressed his opinion that appraisers may be constrained by the State's current requirements for determining value, and wondered why in instances where all three appraisal methods are considered, the one yielding the highest property value is not used? Mr. Tarello said that the results of a cost approach valuation can be adjusted up or down, depending on the current market. Example: The late 80s condo market was very hot, and sales prices were well above the cost of construction and land. If valuing the property at that time, the results of the cost method approach would have been so noted on the appraisal card (adjusted upward).

Selectman Eliopoulos asked if Mr. Tarello had read the Classification Study Report. Selectman Eliopoulos said that the Committee reached the conclusion that Chelmsford and other communities were underassessing commercial properties with respect to their market value, and that the underassessments were significant, in some cases approaching 40%. Mr. Tarello said that he had read the Report, and commended the Committee for its work. He said that many of the Committee's conclusions and recommendations regarding the lack of consistency relative to reporting of commercial property data were on target, and further indicated that he was under the impression that the State had adopted some of the recommendations with regard to annual reporting requirements for commercial property owners.

Mr. Tarello said, however, that it appeared to him that the Committee was not fully versed on the appraisal process and the definition of market value. It also appeared to him that the Committee was not fully aware of the differences between valuing a

commercial property on a fee simple vs. lease fee basis. It also appeared to him that the Committee looked at sales that were qualified as lease fee, and had assumed that these represented market value sales. They do not because they are not on a fee simple basis. Mr. Tarello indicated that the sales may have been qualified as lease fee, but for fair market value and tax assessment purposes, the property must be valued on a fee simple basis, and the corresponding comparative sale must as well be on that same basis to arrive at a valid comparison. That is, a qualified lease fee sale must be adjusted to a fee simple basis in order to be indicative of FMV. Mr. Tarelllo again stressed that residential and commercial properties are valued on a fee simple basis.

Mr. Tarello discussed Chelmsford sales data that he had recently compiled (see handouts). The sales prices on the spreadsheets that Mr. Tarello distributed to the Board represent actual sales, and the dollar amounts reflect the amount of cash that the properties actually sold for. The sheets show sales over a six year period, and the average current assessment value for all commercial property categories taken together is approximately 106% of the properties' last sale value.

Mr. Ward from the Tax Classification Study committee asked about Market Value, and expressed his opinion that a given sale represents market value. He offered the example of a $10 purchase transaction between Selectman Chase and himself. He stated his belief that if he and Selectman Chase agree to exchange the item for $10, that establishes the market value of that item at $10. Mr. Ward asked if, relative to the last sale of the 270 Billerica Road property for $12 million, did $12 million actually change hands. Mr. Tarello answered in the affirmative. Mr. Ward commented that most of us would consider that an established market value, but now he is hearing that on a fee simple basis, the $12 million sales price was discounted because that purchase included a lease that produced income, and the property was purchased in part because of the existing lease's ability to generate rental income at above market rates. So the value of that lease was included in the sales price of the property. Mr. Tarello answered in the affirmative. Selectman Chase said that the selectmen are concerned with the legal definition of fair market value, and the difference between what is fair market value and what is perceived as fair market value has contributed to confusion in interpreting the Tax Classification Report.

Selectman Eliopoulos commented that a single sale in and of itself does not establish the market. The determination of market value requires multiple sales.

Mr. Duffett, a member of theTax Classification Study Committee made the following comments and asked related questions. Mr. Duffett agrees with the fee simple basis of valuation and the fact that certain property sales have to be discounted to arrive at that point. Mr. Duffett said that during the Board's work session with Joanne Graziano (meeting with J. Graziano, DOR Division of Assessments Representative, BOS Work Session meeting June 22, 2005) the subject of development and application of Capitalization (cap) rates was discussed. At that time Mr. Duffett had questioned the application of market cap and rental rates applied on a mass basis, and said that Ms. Graziano had suggested that we review Vision's use of cap and rental rates to ensure that

they are more reflective of property-specific situations. Mr. Duffett said that he understands that cap rates come from the market, but indicated that Ms. Graziano had suggested that assessors may adjust cap rates to what the Appellate Tax Board will accept because "the Appellate Tax Board (ATB) will not take a cap rate over 10%." Mr. Duffett said that he had received a spreadsheet from Frank Reen (Chelmsford's Assessor) showing cap rates by property code, and thought that those cap rates had been adjusted to what the ATB would accept. Mr. Tarello said that Vision does not do that, and he doubts that that is the approach adopted by most competent assessors and appraisers. Vision uses cap rates that are developed based on current market conditions, then looks at the specific property, and makes adjustments that are appropriate for that specific property. Generally the cap rates are developed based on sales, then adjusted to individual properties. Currently in our region, Vision uses between 10 and 15 different cap rates. Vision does not use a standard rate for every property. Mr. Tarello said that the ATB does the same thing. The ATB relies on market rates. Mr. Tarello said that he believes the opposite of what Mr. Duffett believes is the practice: rather than adjust to an ATB-accepted cap rate, a competent appraiser/assessor will review specific ATB and court cases to get a feel for cap rates that reflect market, and then factor those into the cap rate determination. Mr. Tarello said that current cap rates for Chelmsford do reflect Chelmsford market conditions. Vision looks at the market for Chelmsford and then looks at what is currently going on in the investment community. That is how they set a cap rate. Mr. Tarello said that there are times when the ATB may not accept what Vision has established as a market cap rate, but that does not deter Vision from sticking to the rate if they feel it accurately reflects the market and a specific property condition. If the ATB does not accept it on occasion, then that's the way it goes. Vision uses market cap rates. Vision tries to hit value as best as they can. Mr. Tarello said that he believes that most assessors and appraisers look at ATB/court decisions, and then use that information to help to develop cap rates. Their knowledge of ATB rulings and related court cases in that regard is just another piece of information reflecting market data that is considered.

Mr. Duffett explained that the Tax Classification Study Committee looked at 10/15 years worth of sales and assessment data from 23 different communities. Based on the fact that it now appears that the LA sales data from these communities reflects lease fee sales, Mr. Duffett indicated that he would expect to see about a 40% difference between assessed value and actual sales on that basis. Mr. Tarello commented that the LA3 sheets show both lease fee and fee simple based sales, and said that you have to look within each town and at the practices of each assessor/appraiser working on the town's property base. Each assessor may not be applying the same methodology. Their practices may vary, based on their experience and resources. So the data that was pulled from the 23 communities may not be uniform and may not represent Chelmsford's situation. Not all communities may do it the same way. Mr. Duffett said that he had assumed that the methodology and its application would be uniform throughout the state.

Mr. Tarello asked Mr. Duffett if there were any appraisers, real estate professionals, or builders on the Committee? Mr. Duffett answered in the negative. Mr. Tarello commented that it would have been better if there had been, or failing that, if the Committee had consulted a professional who could have guided them in the process and

methodology of establishing fair market value appraisals. Mr. Duffett said that at the time they were working on the Report, the Committee did not know that the Town had a consultant appraisal firm, and was unaware of the relationship with Vision. Mr. Lynch commented that that lapse occurred due to a breakdown in communications. Mr. Duffett said that had they known, the Committee would certainly have worked with Vision in the drafting of the Report and development of their conclusions.

Mr. Duffett further commented that the Committee felt they were on safe ground relative to their conclusions concerning assessment practices in part because the DOR Report (December 2004) recommended that in some cases, consideration be given to using sales price to value large commercial properties. Mr. Tarello said that sales price is considered, and the DOR comment in his opinion must be taken within the context of the requirement to value property on a fee simple basis.

Fran McDougall, resident-11 Dawn Drive, asked for Visions web page address, how often the Towns updated information and if all Town on Visions web page were clients. Mr. Tarello gave the web address (VisionAppraisals.com). Mr. Tarello stated that Town can update 12 times a year and it is up to the Towns when information is updated. Mr. Tarello stated that all Towns on the web page were clients.

Selectman Newcomb asked is the Capitalization rates were applied to the income stream Mr. Tarello stated that there are many ways to come up with a capitalization rate and recent sales data is needed. Chairman Eliopoulos thanked Mr. Tarello for his presentation.

Resident Petition "No Parking" Signs on Glen Avenue:

Mr. Lynch stated that the DPW, Police and Fire Department came up with a recommendation of 50 ft, (25 ft before and after the utility pole #12). Selectmen Newcomb asked if it could be extended to 50ft. Chairman Eliopoulos cautioned moving the problem to other streets. Chairman Eliopoulos suggested reviewing the issue in 60 days. Selectman McCall suggested the DPW add input. Selectman Dalton asked if the residents were being informed. Mr. Van Dyne, a Town Representative for the area, stated that he has sent a memo to all residents.

Motion: Selectman Dalton made a motion to approve a no parking sign on Glenn Ave with 50ft, Selectman McCall seconded. Motion unanimously carried.

Sycamore Street:

Chairman Eliopoulos opened the Selectman discussion on whether to remove the barriers on Sycamore Street. Selectman Dalton stated that he did not support the barriers and would not have voted to put them up but assumed the fire department had been consulted. Chairman Eliopoulos stated the Fire Chief recommended there be no barrier.

Selectman Newcomb saw two separate issues on the table:

1. Whether there needs to be a restriction into Sycamore St.
2. If yes, then what should that restriction be on Sycamore St.

Selectman Newcomb asked for data from other towns on small berms being put in place so that trucks can pass. Selectman Dalton noted that barriers were not the solution.

Chairman Eliopoulos stated that it was important to remember that Sycamore St. prompted a policy in Town and that the putting up the barrier was the last possible solution and nothing was looked at in between. Selectman McCall stated that the policy was achieved through the petition process and this is the first real application of this policy. Selectman McCall stated that the barrier was one of a few options to limit traffic. Selectman McCall identified that this vote will set a precedent and it is concerning the Board members. Selectman McCall also commented on keeping the character of the neighborhood and that it is a balance between that and public safety.

Selectman Dalton stated that the Fire Chief recommend no physical restrictions. Chairman Eliopoulos stated that people will ultimately not follow signs. Selectman Newcomb reiterated his point that the Board needed to decide if a restriction is needed on Sycamore St. Selectman Dalton stated that he has been getting calls that it is neighbors who use the street and not cut through traffic. Chairman Eliopoulos stated a motion should be made.

Chairman Eliopoulos suggested getting traffic volume by the hour. Selectman Chase stated that he would vote on reasonable regulations. Selectman Chase wanted to comment on the Boston Globe article and stated that he was not disregarding the residents' efforts and respects the process. Selectman Chase stated that he had done some research and went to the Institute of Traffic Engineers, which stated that a street closure was the last resort. Selectman Chase stated that the community needed to put in more input before closing any street. Selectman Chase is in favor of restricting by hour Sycamore St. using signs with enforcement. Selectman Dalton suggested amending the motion to include time restrictions. Selectman McCall stated that data was collected and it should be used to determine the hour restrictions. Mr. Lynch stated that the peak times are 7am-9am in the morning.

Selectman Newcomb stated that removing all restrictions then later putting one up would cause confusion because traffic patterns have already been affected. Mr. Lynch stated that data could be reviewed by the next Board meeting, making it a do not enter for 3 weeks then discuss what the time restrictions could be. Selectman McCall stated that the street should not be opened up. Selectman Newcomb asked Mr. Lynch for additional information on other communities and how they are dealing with public safety in relation to traffic calming. Chairman Eliopoulos asked for a meeting with public safety officials before the next meeting.

> **Motion:** Selectman McCall made a motion to take down the barrier on Sycamore Street and in the interim leave signage while gathering additional information on peak times and from public safety officials by September 12th. Selectman Newcomb seconded the motion. Motion carried (3-2) with Chairman Eliopoulos and Selectman Dalton dissenting.

Town Manager Reports:

1. Mr. Lynch stated the bond rating has been maintained and the it benefits the Town. Mr. Lynch indicated that a .25 percent change in the interest rate has an affect on 31 million of $800,000 dollars.

Town Manager Bid/Awards:

1. Mr. Lynch stated that the culvert installation by Drum Hill Construction with a low bid of $36,090

   Motion: Selectman Dalton made a motion to approve the Town Manager's award for Mill Roads culvert installation to Drum Hill Construction for $36,090. Selectman McCall seconded the motion. Motion unanimously carried.

Approval of Minutes:

Motion: Selectman Dalton made a motion to approve the May 23, 2005, Executive Session minutes. Selectman McCall seconded. Motion unanimously carried.

Selectman Referrals:

Selectman Newcomb made the following referrals:

1. Selectman Newcomb stated that he has met with residents of Quigly Ave. who have started the petition process in accordance with the Traffic Calming Policy.
2. Selectman Newcomb stated that the School Building Committee went before the Planning Board for site plan review and the Committee needs to return to the Planning Board with revisions. Selectman Dalton stated that he was surprised by the plans presented to the Planning Board. Selectman Newcomb stated that the committee was not expecting to get approved but looking for feedback from the Planning Board. Selectman Newcomb noted a separate project for the access road to the High Scholl and the approval process has begun on this piece. Selectman Newcomb told the Board that the access road piece needs the Conservation's approval. The access road plans were not on the plans presented to the Planning Board and it was requested the access road be incorporated into the plans by the September 14th meeting of the Planning Board.

Selectman McCall made the following referrals:

1. Selectman McCall noted that he has been receiving calls from residents with concerns regarding the Crooked Springs Water Treatment Plant. For those with questions call the Water Department.

Selectman Dalton made the following referrals:

1. Meadowbrook Road court order to comply with the bylaws going into court additional enforcement.
2. Selectman Dalton asked when the Stedman Street sidewalks are scheduled to be installed. Mr. Lynch stated that under the goals and objectives that Stedman is on the list of streets to be worked on.

3. Selectman Dalton noted a bump on Stedman Street that needed to be looked into. Mr. Lynch stated that he would get back to the Board regarding this issue.
4. Charter meeting was canceled do to posting problem. Mr. Lynch stated that the Charter is planning to meet twice a month with a report due in January. Mr. Lynch stated that is would not go on the ballot until April 2007 so the committee could have more time to work on the Charter.

Selectman Chase made the following referrals:

1. The tax revenue subcommittee will convene soon and recommendation to the Board. Selectman Chase requested the Board schedule a date and time to discuss the tax classification issues.

Chairman Eliopoulos made the following referrals:

1. Chairman Eliopoulos told the Board that McDonalds has not proposed anything regarding a sound barrier. McDonalds and Mass Highway had an informal meeting to gather information and there was some discussion of a wooden barrier. Chairman Eliopoulos stated that residents would most likely not support a wooden barrier. Chairman Eliopoulos stated that time was limited for a proposal to get by Fall Town Meeting because it needed to go before the Planning Board and Board first.

Motion: Selectman Dalton made a motion to adjourn to executive session at **11:27pm**. Selectman McCall seconded. Motion unanimously carried.

Next Scheduled meeting is **September 12, 2005**

Respectfully Submitted,

Patrice Garvin

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BOARD OF SELECTMEN
WORKING SESSION

SEPTEMBER 8, 2005

MEETING MINUTES

A Working Session of the Board of Selectmen was held on September 8, 2005 at the Town Offices at 12:00 Noon. Board members present were Selectmen Philip Eliopolous (Chairman), William Dalton (Vice Chairman), Michael McCall, Thomas Newcomb and Samuel Chase. Also present was Town Manager Bernard Lynch.

The Work Session Meeting of the Board of Selectmen was called to order at 12:10 PM by Chairman Philip Eliopolous.

ITEM 1: ENTERTAINMENT LICENSE FOR THE CHELMSFORD HIGH SCHOOL CARNIVAL

Mr. Jack Fletcher of the Chelmsford High School Athletic Department presented a request to the Board to approve an Entertainment License for the Chelmsford High School Carnival by Bourget Amusements to take place from September 15th to September 18, 2005 at the Chelmsford High School Side Field. The Board of Appeals has already issued a three-year permit for the event. A police detail will be present throughout the entire event. Liability insurance for the event was increased to One ($1,000,000) Million of coverage per the recommendation of Marian Currier, Procurement Officer in the Town Manager's Office. Selectman Newcomb expressed his concerns about having promotional posters displayed throughout the Town. Mr. Jack Fletcher assured the Board that the vendor will be discouraged from posting any advertising or signs outside of the event location.

Motion by Selectman William Dalton to grant an Entertainment License for the Chelmsford High School Carnival for September 14, 2005 through September 18, 2005:

- Wednesday, September 14, 2005: 6:00 – 10:00 PM
- Thursday, September 15, 2005: 6:00 – 10:00 PM
- Friday, September 16, 2005: 6:00 – 11:00 PM
- Saturday, September 17, 2005: 12:00 – 11:00 PM
- Sunday, September 18, 2005: 12:00 – 6:00 PM

Motion seconded by Selectman Michael McCall and approved unanimously.

ITEM 2: LAND TAKINGS – NORTH ROAD

Mr. James Pearson, Director of Public Works, presented a request to the Board for their approval of property easements to allow for roadway easements for the widening of a portion of Parkhurst Road, North Road (Route 4) and Davis Road. Five property easements were removed from the

original land-taking list. The eighteen (18) easements require a vote of approval by the Board before they can be recorded at the Registry of Deeds.

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Motion by Selectman William Dalton to approve easements for the following parcels as listed on the "Permanent and Temporary Easement Plan of North Rd/Parkhurst Rd/Davis Rd and North Road at Dalton Road in the Town of Chelmsford Middlesex County" and as summarized below:

Parcel No.	Record Owner	Book	Page	Award
E-I TE-2 TE-3	The PSL Realty Trust Paul Lynch, Trustee 4 Parkhurst Road	9688	214	$2,400 $350 $350
E-2 TE-6	Matthew J. & Cheryl Needle 212 North Road	2105	071	$4,700 $800
E-3 TE-7	Chelmsford Church of Christ 205 North Road	1992	563	$1,500 $1,700
E-4 D-1 TE-15	David A. & Heidi S. Jackson 62 Dalton Road	8703	069	$400 $200 $200
E-5 TE-16	Julie A. Jones	8854	300	$2,000 $1,100
E-6 TE-20	Margaret M. Robinson	2107	664	$5,100 $1,300
TE-1	Kenneth H. & Marie A. Williams 263 North Street	7234	246	$100
TE-3	Chelmsford Congregation of Jehoviah's Witnesses 220 North Road	1992	563	$500
TE-8	Ray F. Schuster, Administrator of the Estate of Doris E. Schuster 4 Davis Road	4393	1167	$600
TE-21	David W. & Anne C. Hayden	4196	280	$400

Motion seconded by Selectman Michael McCall and approved unanimously.

ITEM 4: AMEND TRAFFIC RULES AND REGULATIONS

Item was taken out of order per request of the Board. Mr. James Pearson, Director of Public Works, presented a request to the Board for their approval of an amendment to the town's traffic rules to allow for proper roadway restrictions as required by the traffic improvements at North Road and the widening of a portion of Parkhurst Road, North Road (Route 4) and Davis Road.

Motion by Selectman William Dalton to enact the following traffic rules and regulations:

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A. LEFT LANE MUST TURN LEFT
North Road southbound onto Parkhurst Road
North Road northbound onto Davis Road
North Road southbound onto Dalton Road
North Road northbound onto Dalton Road

B. RIGHT LANE MUST TURN RIGHT
Parkhurst Road (right lane) at North Road
Davis Road (right lane) at North Road

C. YIELD SIGNS – To be installed in accordance with applicable permits filed or to be filed by the TOWN and approved by the DEPARTMENT:
Parkhurst Road (right lane) at North Road
Davis Road (right lane) at North Road

Motion seconded by Selectman Michael McCall and approved unanimously.

ITEM 3: SYCAMORE STREET – TRAFFIC CALMING

Town Manager Bernard Lynch presented a report to the Board. He met with a number of departments to discuss traffic calming methods. The Fire Chief is opposed to any type of road barriers. The Town is challenged to weigh public safety risk against the need for certain types of traffic mitigation methods. According to the Police Department, since the work on Route 3 has come close to completion, there has been less demand on local streets. Mr. Lynch noted that the Traffic Calming Policy may need to be revised or eliminated if it cannot be realistically implemented. In most instances, the result of solving one traffic problem can negatively impact another area; therefore, you are only moving a problem from one location to another.

Chairman Eliopolous stated that the process for applying the policy may need to be clarified to avoid confusion or unrealistic expectations. Residents seem to be frustrated because the policy identifies a list of all possible options; however, all of the methods and actions should not be applied to every request for traffic calming. The decisions for applying specific traffic calming measures should be determined by the Board of Selectmen with input to be collected from the community, department heads and experts.

Mr. Lynch noted that the speed of vehicles is not the primary issue on Sycamore Street, the volume of traffic is more problematic. In order to reduce volume, restrictions should be used, along with intermittent police presence and enforcement. Sycamore Street was a trial. Police Chief Mr. Raymond McCusker presented the findings of a traffic study that was performed on Sycamore Street. He noted that since Route 3 has opened from the construction, many traffic issues have resolved themselves. The police department determined that Sycamore Street is used primarily in the hours of 7:00 AM to 9:00 AM as a cut-through route for Chelmsford High School traffic. If the Board were to approve specific hours for restricted movements, it would be easier to enforce the new traffic rules.

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Sycamore Street Resident Ms. Christine Scaplen was present and addressed the Board with the permission of the Chairman. She noted that there is a steady stream of afternoon traffic and the CHS students are not the bulk of the late day traffic. Since the signs were installed, she has seen a reduction in the volume of traffic on the street, perhaps as much as 50% less than before the sign installation.

Chairman Mr. Philip Eliopolous requested a more detailed traffic analysis to determine the hourly traffic counts in each direction comparing the counts from pre- and post-barrier traffic, direction of travel and the hour of day. Police Chief Raymond McCusker will forward the detailed traffic counts to Town Manager Mr. Lynch and agreed to draft a recommendation for the Board's consideration. Mr. Lynch noted that a time-specific restriction might be the appropriate action.

ITEM 5: CHELMSFORD CARES – HURRICANE KATRINA RELIEF EFFORTS

Town Manager Bernard Lynch presented a brief report to the Board regarding Hurricane Katrina and the response from the State of Massachusetts, as well as efforts within the Town of Chelmsford to assist victims.

Resident Mr. William "Bill" Askenburg of 185 Westford Street, a former resident of New Orleans, addressed the Board and described the establishment of "Chelmsford Cares" to help assist victims of Hurricane Katrina. Specifically, there may be some families that need to relocate to the Town of Chelmsford and may require various resources and assistance. He created the "Chelmsford Cares" initiative as a tool for gathering resources in and around Chelmsford in support of general relief efforts and with the hopes of creating an "Adopt-A-Family" program in Chelmsford. Mr. Askenburg requested the Board's recognition and endorsement of the "Chelmsford Cares" as a legitimate volunteer organization.

The Board thanked Mr. Askenburg for all of his efforts and offered its support of the "Chelmsford Cares" initiatives. Chairman Eliopolous recommended that Mr. Askenburg coordinate an organizational meeting to kick-off the "Chelmsford Cares" effort. The Town's Senior Center could be made available for such a meeting. He also suggested that the Board issue a proclamation in recognition of "Chelmsford Cares" and as a way to help endorse the group's efforts. Chairman Eliopolous requested that the proclamation should be added to the Board agenda for its September 12th meeting. Selectman Dalton asked the Board where donations raised for Chelmsford's "Katrina Fund" would be forwarded. The funds raised will be reported at the next meeting.

Motion to adjourn by Selectmen Michael McCall. Motion seconded by Selectman Mr. William Dalton and approved unanimously.

NEXT REGULAR MEETING:

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The next regular meeting is scheduled for Monday, September 12, 2005 at 7:00 PM. There being no further business, the Working Session Meeting adjourned at 1:44 PM.

Respectfully submitted,

Kellie Hebert

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CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, September 12, 2005
Town Offices, 50 Boston Road

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager

7:00pm
Chairman Eliopoulos asked for a moment of silence for the victims of Katrina and their families.

PSA Jim Gifford-350th Celebration Parade:
Jim Gifford presented the Board with the Spartans Drum Corp's, a national paper that had pictures of the Chelmsford 350th parade. The paper has a circulation of 3-5 million people. Mr. Gifford also presented T-shirts to the Board and the Town Manager, which listed the Town of Chelmsford as part of the Drum Corps line-up. Mr. Gifford thanked the Board for their time.

Open Session:
Chairman Eliopoulos asked if there was anyone present that would like to speak for or against the Sycamore Street Traffic Policy issue. No one requested to speak.

1. Bernie Ready addressed the Board as representative of the Chelmsford Historical Society. As part of the 350th celebration, Chelmsford will be holding a Farm Fair, on Saturday September 24th from 12-4pm on 40 Byam Rd., to celebrate past and present farmers of Chelmsford. Mr. Ready stated that there will be hayrides, demonstrations, music, refreshments and an art show at the event. Mr. Ready noted the public can call Sue Gates @ 978-250-9161 for more information.
2. Eugene Dunby, resident-58 Richardson Rd., asked the Board what the status was with his concerns. Selectman Newcomb stated that he was informed that someone went down to the archives and found Mr. Dunby to be correct and a word was misspelled. Mr. Newcomb stated that he was awaiting response to when the web page will be corrected. Mr. Dunby stated that he wanted to address his initial concern about the state constitution being taught in the schools. Mr. Dunby added that he would be leaving the area and would like to be able to address the Board in the future. Chairman Eliopoulos stated that he thought it was a great idea to teach the constitution but the Board of Selectmen does not dictate the curriculum for the schools. Chairman Eliopoulos suggested meeting with the School Committee to find out what can be done. Selectman Newcomb stated that he would e-mail all updates to Mr. Dunby.

Chelmsford Cares:

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Chairman Eliopoulos introduced Bill Askenburg, head of Chelmsford Cares. Mr. Askenburg, resident-185 Westford St., represented Chelmsford Cares, which is a program that was developed to help the victims of Hurricane Katrina. The initiative was created to promote local relief in association with the Town. Mr. Askenburg stated that people could go to the program's webpage at www.chelmsfordcares.com, which is becoming a clearing house for all grassroots efforts. Mr. Askenburg stated that there are postings on the site about what efforts are occurring within the community. Mr. Askenburg urged residents to help by making donations in cash and in goods. Mr. Askenburg asked the Board to work with him to promote the program. Mr. Askenburg acknowledged the Board of Selectmen's efforts with the fund that was established through Enterprise Bank.

Chairman Eliopoulos stated that Selectman Dalton and Selectman Chase have set up a Katrina relief fund on behalf of the Board of Selectmen. Chairman Eliopoulos added that the enormity of the disaster is multi-fold and that the state of Massachusetts taking in 5,000 people is small because there are so many displaced people, and there is a need for a support system. Through Mr. Askenburg's organization, basic needs can start to be addressed. Chairman Eliopoulos asked residents for their support. Chairman Eliopoulos asked the Town Manager to post the Chelmsford Cares information on the Town's web page.

Selectman Chase read the proclamation into the record, which stated that the Town of Chelmsford joins in partnership with Chelmsford Cares by proclaiming the Boards support for the organization. The Board also urged all citizens to join the effort.

Mr. Askenburg introduced Doreen Bernberg to the Board. Ms. Bernberg is an evacuee who just relocated to Chelmsford and currently living with family.

Ms. Bernberg-176 Westford St. told the Board that she lived in New Orleans for over 22 years and is originally from Chelmsford. Ms. Bernberg stated that she has three small children and they were able to relocate up here after the hurricane. Ms. Bernberg stated that she had a business and home in New Orleans and that she and her family are homeless because everything was gone. Ms. Bernberg stated that with Mr. Askenburg's help she is receiving assistance on many levels and that the community has embraced her family.

Mr. Lynch stated that the meeting of Chelmsford Cares is being tentatively scheduled for the police station. Selectman Dalton stated that the magnitude of the disaster has not been felt yet and that people need to help. Selectman Dalton stated the relief fund set up by the Board has reached $2,000 dollars. Checks can be sent to the Clerks office. Chairman Eliopoulos stated that 100% of the fund will be given to victims of the Katrina Hurricane and asked for a motion to formalize the spending of the monies collected. Selectman McCall stated that the money donated should go to where it would make the most impact. Selectman Newcomb stated that it may be difficult to split the money until the Board knows the amount and demand. Selectman Dalton agreed and stated that the

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ELIZABETH HELANEY
TOWN CLERK

Board needs to wait and see the need but also look to New Orleans. Selectman Chase was in favor of a timetable, which will review the donations.

Motion: Selectman Dalton made a motion to use the funds collected for relief efforts from Hurricane Katrina including resources for the evacuees in the local region and areas in New Orleans most affected. Selectman McCall seconded the motion. Motion unanimously carried.

Mr. Lynch stated that the meeting will be held of Tuesday September 20, 2005, at 7:00pm at the Chelmsford Police station.

Dave Hedison-Housing Authority Presentation:

Mr. Hedison, Housing Authority Director, began by clarifying the recent article in the Lowell Sun that stated that the Housing Authority offered a unit to a family. Mr. Hedison stated that the Housing Authority has revised its selection plan to make families affected by the disaster on the top of the list. Mr. Hedison stated that there are 50,000 families on the waiting list for housing across the state and that there needs to be a federal and state priority to increase housing opportunities.

Mr. Hedison asked for the Board's support to increase housing, in particular housing for a construction of a duplex for 8 individuals servicing the Department Mental Retardation. Mr. Hedison stated that to apply to the State for funding, the Board needs to formally approve the application process. Selectman McCall asked whether a formal letter needed to be written. Mr. Hedison stated that the Board needs to acknowledge as Selectmen that if the building is built, then a payment will be received of $1500 a year in taxes. Mr. Hedison responded by stating that he would be back before the Board asking for a written letter once the application process in over; now signatures are needed.

Motion: Selectman Dalton made a motion to affirm that the Chelmsford Housing Authority made a formal presentation on the Application on September 12th, 2005 and acknowledge that the Town will receive payment through the grant. Selectman McCall seconded the motion. Motion unanimously carried.

Application for Common Victualer License: Rose Variety

Veth Chhat, 168 Fletcher St., Lowell, requested a Victualer license from the Board, under the Chhat Corporation. Mr. Chhat has a lot of experience in this area and is looking to change the name from Adams Variety to Rose Variety. Selectman Dalton informed Mr. Chhat the proprietors have come before the Board before looking for a KENO license and the Board refused. Selectman McCall asked if the Building Inspector has signed off on the property. Mr. Lynch stated that the Building Inspector and the Health Dept have both signed off on the site.

Motion: Selectman Dalton made a motion to approve a Common Victualer License to Chhat Corp. for Rose Variety, 11 Vinal Square, hours of operation Sat-Sun 7:00pm-10:00pm. Selectman McCall seconded the motion. Motion unanimously carried.

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Application for Common Victualer License: Sabatino's Italian Kitchen

Alan Gallo, names requested a common Victualer license from the Board where Kero's was under Gallo Oweis Inc. Mr. Lynch stated that the gentlemen needed to resign the application due to an error on the application.

> **Motion:** Selectman Dalton made a motion to approve the Common Victualer License to Gallo Oweis Inc., Sabitino's, at 17 Vinal Square with the hours of operation of Sat-Sun 11:00am-10:00pm; subject to the building inspectors approval on the seating. Selectman McCall seconded the motion. Motion unanimously carried.

Initiative for Local Aid: Evelyn Thoren:

Evelyn Thoren, resident-18 Pinewood Rd. stated that the purpose of her presentation to the Board was to outline the *Initiative for Local Aid* project and its progress. Ms. Thoren briefly described the formation of the project and how its aim is to lessen the burden on the Town and parents. The project has also lobbied support for schools and has created a web site. The site has information on the project, as well as sample letters that can be sent to the state legislature. Ms. Thoren introduced Ms. Newcomb to the Board.

Donna Newcomb, resident-6 Judith Rd., thanked the Board and School Committee for their support. Ms. Newcomb defined the mission of the project as addressing the inequalities in state funding. Ms. Newcomb went through a brief time-line of the project. Ms. Newcomb stated that the web page allowed:

1. enhancement of the communication of representatives and parents
2. a way for residents to respond to issues
3. a way to mobilize residents
4. distributing action alerts for parents so they can address the inequities

Ms. Newcomb stated that there have been action alerts that have gone out online and through backpacks. Ms. Newcomb, along with Ms. Thoren, Selectman Chase and Ms. Duffit of the School Committee all testifies at the committee hearing on Chapter 70 reform. Ms. Newcomb asked the Board for help making sure the project does not duplicate its efforts. Ms. Newcomb introduced Laura McLaughlin.

Laura McLaughlin, resident-6 Cambridge St., passed out hard copies of the web page to the Board. Ms. McLaughlin commended the Board of Selectman, the School Committee and the Finance Committee for working together in addressing financial concerns. The web page is a way to help increase the ability to respond and the project is working with state representatives. Ms. McLaughlin stated that they are encouraging looking for other ways to produce revenue and was asking the Board for further discussion. Ms. McLaughlin also asked for people to write letters to help the project.

Ms. Thoren stated that she went to the Department of Education to discuss the Chapter 70 funding. Ms. Thoren also has invited the lieutenant governor to Chelmsford to discuss the issue of Chapter 70. Ms. Thoren stated that she was looking for a united effort with the Board, the Finance Committee and the School Committee along with the Legislature.

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Ms. Thoren also suggested writing letter to state representatives. Selectman Chase stated that a written form of testimony from June 2nd was submitted formally on record and stated that webpage address to get to the project is www.chelmsfordschoolcommittee.com.

Resolution opposing Senate Bill 1504 "Broadband Investment and Consumer Choice Act.":

Kelly Beatty, resident-117 Parkhurst Rd, President of Chelmsford Telemedia stated that Senate Bill 1504 provisions are troublesome. The bill, if passed, will take away local control of the Town's ability to contract with cable providers. Mr. Beatty stated that he would forward blank letters to the Chair in order for Board members to contact members of Congress. Mr. Lynch reminded the Board that after Mr. Beatty's past presentation on this matter letters went out to legislature. Mr. Beatty asked those who write letters to fax them out to legislators. Selectman Newcomb suggested placing the resolution on line for residents to be able to access.

Motion: Selectman Dalton made a motion to adopt the proposed resolution regarding Senate Bill 1504. Selectman McCall seconded the motion. Motion unanimously carried.

Chelmsford Historic Commission Restriction-Red Wing Farm:

Mr. Lynch stated that there is a draft from the State Historical Society of what can be done with the Red Wing Farm property. Mr. Lynch stated that it requires the property to remain in the current architectural condition. Mr. Lynch stated that the minimum bid was set for $160,000 and will be posted as soon as possible in the central registry. Mr. Lynch stated a problem of whether or not the land surrounding the farm is restricted. Mr. Lynch stated that Town counsel has reviewed and made recommendations. Selectman Newcomb asked how long the project would go out to bid for and Mr. Lynch stated that it would be a minimum of 30 days.

Motion: Selectman Dalton made a motion to approve the preservation restrictions agreement between the town of Chelmsford, the Chelmsford Historical Commission and the future owner concerning Hill Robin House on 19 Maple Rd, Chelmsford, MA, subject to clarification of language regarding specifics of property and any other recommendations by Town counsel.

Application for Auctioneer's License: Laughton Garden Center, Inc.:

Mr. Lynch stated that Center was looking to sell plants on September 24, 2005.

Motion: Selectman Dalton made a motion to approve the auctioneer's license on September 24, 2005, with a rain date of September 25, 2005, hours 8am-6pm on 165 Princeton Street, N. Chelmsford. Selectman McCall seconded the motion. Motion unanimously carried.

Sycamore Street:

Chairman Eliopoulos gave a brief history of the Sycamore Street traffic calming issue. Chairman Eliopoulos stated that the Board met for Executive Session and discussed the

traffic calming data. A *Do Not Enter* sign is currently up and the Board needs to vote on action to remove it or refine it.

Chief McCusker offered additional information on traffic counts. Selectman Dalton pointed out that the Chief states in his recommendation that the traffic problem is being displaced. Selectman Dalton stated that the numbers show the average of 24 cars per hour over a 26 hour period. Selectman Newcomb noted that the Board needed to look at reasonable hours. Selectman Chase stated that after calculations are made there is less than 1 car per minute.

Selectman Dalton stated that a problem has been created on Chestnut Street. Selectman Dalton added traffic has increased over the years and placing a restriction on Sycamore would create more problems: More requests will come to restrict streets. The Chief stated that there was an 82% increase on Chestnut Street after the *Do Not Enter* sign went up. Chairman Eliopoulos asked the Chief what the concerns of the neighborhood were. Chief McCusker stated that the neighborhood was concerned with peak times of the traffic. Selectman Newcomb suggested looking at the root of the problem and asked why cars are cutting through the street.

Selectman Chase stated that the number of vehicles does not justify a permanent blockage of the street. Selectman Chase suggested reviewing the Traffic Calming Policy. Selectman Chase stated that he would recommend adopting the Chief's recommendation but with a time of 6:30am-9:30am, with enforcement.

Selectman Dalton stated that in relation to speed on the street, the majority of vehicles are within the limit, which is 30mph in a thickly settled area. Selectman Dalton suggested making the street appear narrow to slow vehicles down. Selectman Newcomb pointed out that striping was a method in the policy. Mr. Lynch stated that he could look into striping but would like to speak to the residents and the potential cost of striping.

> **Motion:** Selectman Chase made a motion to restrict access with a *Do Not Enter* sign with occasional enforcement from Westford Street onto Sycamore Street from 6:30am-9:30am. Selectman McCall seconded the motion. Amended time of 6:00am-10:00am. Motion carried (4-1) with Selectman Dalton dissenting.

Selectman Chase stated that there needed to be ongoing follow-up to see if the restriction is working.

Fall Town Meeting

Mr. Lynch discussed some of the warrant articles for Town Meeting on October 17, 2005.

Article 2

Mr. Lynch stated that there is one million dollars in free cash to the stabilization fund in accordance with the stabilization fund plan.

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TOWN CLERK

Article 6
Mr. Lynch stated that the FY06 operating budget is amended and that the only budget anticipated $141,700 to the school department Chapter 70 money came in after Town Meeting.

Article 7
Mr. Lynch stated that this article was in relation to recreation vehicles i.e. motor bikes, mini bikes etc. There has been some concern from residents.

Article 8
Mr. Lynch stated that pending money of $288,000 to the School Department retirement depends on availability of free cash.

Article 9
Mr. Lynch stated that this article was in reference to adopting a local dog bylaw.

Article 10
Mr. Lynch stated that this was in reference to accepting land off of Technology Drive. Mr. Lynch stated that this land could be used as recreational property and Mr. Sheehan stated that there could be potentially no use for the land. Mr. Lynch stated that he was waiting to hear from Mr. Pearson on this matter and that this article could be withdrawn.

Article 11
Mr. Lynch referred to a presentation done by Kerry Speidel on the tax exemption programs. Mr. Lynch recommended accepting Chapter 184 Section 51 Acts of 2002, which will allow adjustments to be made in eligibility requirements in order to qualify for tax exemptions. Mr. Lynch anticipated the cost to the Town being $30,000 as a result of the change. Mr. Lynch also noted that this money will not be reimbursed by the state.

Article 12
Mr. Lynch stated that this article is in reference to fee changes reference in Article 12, 13, 14, 15, 16, 17, and 18. Chapter 40 22F allows departments to make adjustments in fees. Mr. Lynch stated that the Town Clerk is working with Town Counsel on this issue.

Article 19
Mr. Lynch stated that this is in reference to recycling. Mr. Lynch stated that this article is in response to the Board's request to strengthen the by-law regarding recycling. Certain items are not allowed in regular trash and if seen will not be picked up. Mr. Lynch stated that there are state grants that provide Towns with material to get people recycling and that it is an education process.

Article 23
Mr. Lynch stated that this in reference to a cellular tower and the Town is working with the Fire Department, who is supportive of the tower.

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Motion: Selectman Dalton made a motion to post the Town Warrant for October 17, 2005. Selectman McCall seconded the motion. Motion unanimously carried.

Approval of Meeting Minutes:

Motion: Selectman Dalton made a motion to approve the Board of Selectmen Meeting Minutes for July 11, 2005 and July 25, 2005. Selectman McCall seconded the motion. Amended: July 11 names under the School Building Committee should read Gary Persichetti and Kerry A Speidel. Motion unanimously carried.

Town Manager Reports:

1. Mr. Lynch stated that the budget's final numbers were close to being closed out and that FY06 will be balanced. Mr. Lynch reminded the Board that it is FY07 that is concerning.

Town Manager Appointments:

1. Historic District Commission
   Motion: Selectman Dalton made a motion to approve the appointment of Dennis Ready as an alternate to the Historic District Commission. Selectman McCall seconded the motion. Motion unanimously carried.
2. Commission on Disabilities
   Motion: Selectman Dalton made a motion to approve the appointment of William Favreau
   to the Commission on Disabilities. Selectman McCall seconded the motion. Motion unanimously carried.
3. Arts and Technology Commission
   Motion: Selectman Dalton made a motion to approve the appointment of Trish Kahl to the Arts and Technology Fund Committee. Selectman McCall seconded the motion. Motion unanimously carried.

Selectman Referrals:

Selectman Chase made the following referrals:

1. The School Committee met and discussed parking fees, which they plan to raise and will vote on it at their next meeting.
2. The Finance Committee wanted to acknowledge Mr. Lynch's presentation on goals.
3. The Classification subcommittee is looking to give their report to the Board of Selectmen by September 30, 2005, in order to give the Board time to prepare. The subcommittee also suggests having a public input session one week and then voting on the issue at the next Board meeting so the Board can process the public's input. Mr. Lynch stated that the public input session could be held on November 7, 2005 and the vote can be made on November 21, 2005.

Selectman Dalton made the following referrals:

1. Selectman Dalton suggested going over the Traffic Calming Policy at a future Board meeting.

2. Selectman Dalton asked about the sidewalks on Stedman Street. Mr. Lynch stated that the cost estimate is $60,000 and design work is underway.
3. Selectman Dalton asked where the Town was on the Housing Master Plan. Mr. Lynch stated that he has not heard back from the state but will follow-up.
4. Selectman Dalton asked where the Town was on emergency management. Mr. Lynch stated that training has been done and that key departments have been involved. Chairman Eliopoulos stated that the Board should be aware of what the plan is and what the Board's responsibilities are in an emergency. Mr. Lynch indicated that a comprehensive emergency management plan does exist. He would prepare a presentation to the Board for a future meeting.
5. Selectman Dalton asked what the state of the old police station is in terms of reconstruction. Mr. Lynch referred the question to Selectman Newcomb's referral.

Selectman Newcomb made the following referrals:

1. The rumor that the addition on the old police station was scrapped was exaggerated. The issue was getting the administration out of the school as soon as possible. Selectman Dalton asked how much money has been spent to date. Selectman Newcomb stated that $200,000-$230,000 has been spent. Mr. Lynch stated that the legislative body appropriates the money and does not control specifics of the project. Selectman Newcomb stated that the architect on the project looks at the plans based on the spec. Chairman Eliopoulos stated that it was frustrating that the project is not working the way the Board wanted. Selectman Newcomb stated that it was possible that a lease was taken up for the administration. Selectman McCall stated that the problem is if the renovations takes up all of the money and then the Building Committee comes looking for more money to do the addition.
2. The School Building Committee is going back to the Planning Board this week. The Architect met with the Planning Board members. Selectman Newcomb stated that electrical work is being done in the middle schools and that windows have been replaced in McCarthy. Selectman Newcomb mentioned the web page that can be accessed through the Town web site. The School Building Project construction documents are 90% completed and there is some concern that the Hurricane will increase building materials. Chairman Eliopoulos asked if the materials could be bought prior to use to save money. Selectman Dalton stated that a lot of the work is custom made so it did not make sense to pre-order. Selectman Dalton asked that the costs are to renovate the building. Selectman Newcomb stated that the total is $960,000, with renovations and additions.
3. Selectman Newcomb asked about the Mill Road construction. Mr. Lynch stated that the culvert is done and will check on the progress towards full completion.
4. Mr. Lynch stated that the utilities have moved the wires at the Golden Cove signals and that it has been hard to get the utility people out to finish.
5. Selectman Newcomb mentioned the Banjo Fiddle Contest and the winning of the BlueGrass Competition.

Selectman McCall made the following referrals:

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1. The Community Preservation Committee is looking to purchase some land in Chelmsford in response to 40B projects within the Town. The committee is currently looking at a few properties and speaking with land owners in Town.

Chairman Eliopoulos made the following referrals:

1. Chairman Eliopoulos stated that there was a Rte. 3 PAC meeting and the following was discussed:
   a. Drum Hill Approved the change of inserts and new striping and signage is in place to help traffic. Cross walks are working and improvements are being done.
   b. Met with residents of McFarland and a letter needs to be sent to Mass Highway and Modern Continental stating that the Town neighborhoods accepted the barrier.
   c. Chairman Eliopoulos wanted residents to know that is no formal proposal from McDonalds on a sound barrier.
2. Bridges that are memorialized should have plaques on them in order to see the sign from Highway.
3. A letter was received by Tom Gove of 34 Mill Rd. and Chairman Eliopoulos asked if maybe it was time to get Town Counsel involved. Mr. Lynch stated that one last offer went out and that the Town has never experienced a problem like this before. Chairman Eliopoulos advised that the Board not discuss this issue publicly.
4. Selectman Dalton asked Chairman Eliopoulos about a striping problem near the Lowell Connector and how people are cutting over to get onto Route 3.

Press Questions:

1. The motion for Sycamore was the Do Not Enter sign would restrict traffic from 6:00am-10:00am at Westford Rd onto Sycamore Street.

Motion: Selectman Dalton made a motion to adjourn to executive session at **11:03pm**. Selectman McCall seconded. Motion unanimously carried.

Next Scheduled meeting is **September 26, 2005**

Respectfully Submitted,

Patrice Garvin

BOARD OF SELECTMEN
WORKING SESSION

SEPTEMBER 30, 2005

MEETING MINUTES

A Working Session of the Board of Selectmen was held on Friday, September 30, 2005 at the Town Offices at 12:00 Noon. Board members present were Selectmen Philip Eliopoulos (Chairman), William Dalton (Vice Chairman), Michael McCall, Thomas Newcomb and Samuel Chase. Also present was Town Manager Bernard Lynch.

The work session was called to order at 12:05 PM.

ITEM 1: COMCAST CABLE CONTRACT

Town Manager Bernard Lynch explained some of the background and issues regarding the Town's expiring Cable Contract with the Comcast Corporation. The existing ten-year contract has been in place since 1995 and expires after September 30, 2005.

As the Town's Issuing Authority, the Board of Selectmen must vote on the contract. Currently, there are four outstanding contract issues that need to be further negotiated.

The Board participated in a conference call with Town Counsel representative Attorney Peter Epstein who has been working with the Town Manager and Selectman Thomas Newcomb on the cable contract negotiations to date. He explained the options available to the Board, including:

- Denial of Comcast's 2005 contract proposal as submitted.
- Enter into an Interim Agreement to extend the existing contract by 60 days; However, due to Massachusetts law and various procedural bidding requirements, this 60 day extension would essentially allow Comcast another thirty-one (31) months to negotiate the new 2005 contract.
- If the Board does nothing, the current license will be in effect as of October 1, 2005.

If the Board chooses the second option, the existing cable contract would remain in effect and services would remain at same levels as the previous contract. In addition, Comcast would pay a monthly payment of $2,500 to the Town for equipment rental. This option would give both parties additional time to come to an agreement about the outstanding issues.

According to Attorney Epstein, there are three major outstanding issues involved with the contract proposal at this point:

1. Language in reference to "**Level Playing Field**" terms;
2. **Direct Interconnection** with the City of Lowell – Would allow both municipalities to share certain programming channels;

3. **Forth government access channel** – The availability of this additional channel would be based upon specific criteria including usage of the existing access channels.

The Board discussed the

Motion by Selectman Mr. William Dalton to

Motion seconded by Selectman Michael McCall and approved unanimously.

OTHER BUSINESS:

NEXT REGULAR MEETINGS:

The next regular meeting is scheduled for Monday, October 3, 2005 at 7:00 PM. There will also be a Joint Meeting of the Board of Selectmen, School Committee and Finance Committee on Thursday, October 7, 2005 at 7:00 PM.

There being no further business, the Working Session Meeting adjourned at 1:40 PM.

The Board went into Executive Session and Town Manager Bernard Lynch informed the Board of his most recent discussions with the Police and Fire Joint Labor Committee.

Respectfully submitted,

Kellie Hebert

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, October 3, 2005
Town Offices, 50 Boston Road

2006 APR 28 PM 1:32

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman
Bernard Lynch, Town Manager

7:00pm
PSA Proclamation: Aleppo Shriners Transportation Fund Benefit
Selectman McCall read into the record a proclamation from the Town of Chelmsford to the Lupos Shriner's Transportation Fund Benefit on November 5, 2005. The Shriner's Hospital for Children has over 22 hospitals throughout the country caring for children with a number of afflictions, and soldiers hurt in Iraq. The benefit is a Rock-a-thon set for Saturday November 5, 2005, from 1pm-4pm at the Meadow Lodge at Drum Hill on 4 Technology Drive. At the benefit the Shriners are sponsoring a Children's Identity Program (CHIPS) for free of charge. The Board of Selectmen recognized the work of the Shriner's and the Lupos Shriner's Transportation Fund and urged all residents to attend.

Christopher Goland, Executive Director of Meadow Lodge at Drum Hill's Assisted Living Program, stated that residents can sponsor rockers. Mr. Goland stated that the event is all day at 4 Technology Drive, and to learn more call 978-458-0099. Mr. Goland invited the Board of Selectmen to come to the event.

Update on Chelmsford Cares:
Chairman Eliopoulos asked Mr. Askenburg of Chelmsford Cares to speak about the progress of the project. Mr. Askenburg stated that the project has accomplished a great deal to help families affected by Hurricane Katrina. Mr. Askenburg stated that the project is working with seven families and the web page has been revised. (www.chelmsfordcares.com) Mr. Askenburg has met with the Board to discuss how the Board can help Chelmsford Cares. Chairman Eliopoulos suggested that the Board's fund is growing and there should be a vote to free up money on an emergency basis. Selectman Dalton asked what would be a good amount of money to help. Mr. Askenburg stated that it depended on what was needed and that housing is the biggest expense. Selectman Dalton cautioned the Board not to deplete the Board's Fund but spread out the money as much as the Board can. Selectman Chase suggested establishing a percentage of money used from the fund.

> **Motion:** Chairman Eliopoulos made a motion to authorize Selectman Dalton and Selectman Chase the power to authorize $500 dollars in emergency aid, per instance, to assist local families from the Katrina Fund set up by the Board of Selectmen. Selectman McCall seconded the motion. Motion unanimously carried.

Selectman Dalton suggested a motion that would state what amount of money stays local and what goes down south. Selectman Dalton suggested two organizations that money should be sent for helping the New Orleans Area. Selectman Newcomb suggested a set amount rather a percentage to these two organizations.

Motion: Selectman Newcomb made a motion to release $3,000 dollars, $1500 to go to the Salvation Army and a Church not named to help efforts in New Orleans area. Selectman McCall seconded the motion. Motion unanimously carried.

Chairman Eliopoulos urged all residents to give to the Board's Katrina Fund and to donate items to Chelmsford Cares.

Open Session:

1. Eugene Dunby, resident-formerly of 58 Richardson Rd., asked the Board what the status was with his concerns. Selectman Newcomb stated that it seems to be a very involved process to change the web page. Mr. Dunby expressed concern that the state constitution was not being taught in the schools. Mr. Dunby stated that he tried to set up a class through the town's recreation department but was turned away. Selectman Dalton stated that the recreation department was most likely booked with classes. Chairman Eliopoulos stated that the Board will meet with the School Committee soon and will discuss the issue.

Meeting Minutes:

Motion: Selectman Dalton made a motion to approve the August 15, 2005, meeting minutes. Selectman Dalton seconded the motion. The motion was tabled in order for Selectman Chase to provide the recorder with extended notes on the Vision Appraisal Technology discussion.

Motion: Selectman Dalton made a motion to approve the September 5, 2005 meeting minutes. Selectman McCall seconded the motion. Motion unanimously carried.

Application for Common Victualer License: American Evening Café:

Roland Van Liew asked the Board to amend the Common Victualer License so that the Evening Café can open after hours. Mr. Lynch stated that the concern from the Board of Health was that there needed to be an hour in between opening and closing to allow for cleaning. Mr. Lynch stated that this was a first for the Town because it is two entities out of the same location.

Motion: Selectman Dalton made a motion to amend the Americana Café's Common Victualer License for American Café' hours of operation to Monday through Saturday 6am-3pm and Sundays 6am-2pm. Selectman McCall seconded the motion. Motion unanimously carried.

Motion: Selectman Dalton made a motion to approve the Common Victualer License to Van Liew of Van Liew Enterprises LLC for Americana Evening Café'

Monday through Saturday from 4pm-10pm and Sundays 3pm-8pm. Selectman McCall seconded the motion. Motion unanimously carried.

Application for a Change of Name: Center Deli:

Edith and Tony Taddeo asked the Board to approve the name change for Center Deli to the Three Sisters Deli.

Motion: Selectman Dalton made a motion to approve the Chelmsford Center Deli change of manager to Edith Taddeo, Tony Taddeo and to add Danielle Dupont. Selectman McCall seconded the motion. Motion unanimously carried.

Motion: Selectman Dalton made a motion to approve the change of name of Center Deli to the Three Sisters Deli doing business as Chelmsford Center Deli. Selectman McCall seconded the motion. Motion unanimously carried.

One Day Beer and Wine License: All Saints Church

Meredith McElroy, 130 Robin Hill, asked the Board for a One Day Beer and Wine License for October 29, 2005. Ms. McElroy stated that the bartender was TIPS certified. Ms. McElroy stated that anyone can buy tickets at the door or call her at 978-250-1251.

Motion: Selectman Dalton made a motion to approve a one day Beer and Wine License to the All Saints Church on 10 Billerica Road for October 29, 2005 from 6pm-10:30pm. Selectman McCall seconded the motion. Motion unanimously carried.

Three (3) One Day Beer and Wine Licenses: St. John's Church:

Motion: Selectman Dalton made a motion to approve the three (3) day beer and wine license to St. Johns Church at 130 Billerica Road on Saturday October 15, 2005 from 4pm-9pm; Friday November 18, 2005 from 2pm-10pm; Saturday November 19, 2005 from 2pm-10pm. Selectman McCall seconded the motion. Motion unanimously carried.

Selectman Dalton suggested that the time of the event be placed right under the name of the event of the event form. Chairman Eliopoulos noted to Ms. McElroy that if she needed to switch the times to contact the Town Manager.

Halloween:

Motion: Selectman Dalton made a motion to celebrate Halloween on October 31, 2005, from 5pm-8pm in the town of Chelmsford. Selectman McCall seconded the motion. Motion unanimously carried.

One Day Beer License: Garrison House

Deb Taverna requested a one day beer license for October 10, 2005, from 1pm-5pm. Ms. Taverna stated that it was $5 per family and that there will be music, vendors and pony rides at the event.

Motion: Selectman Dalton made a motion to approve one day beer license to the Garrison House at 105 Garrison Rd., on October 10, 2005, from 1pm-5pm. Selectman McCall seconded the motion. Motion unanimously carried.

Town Manager Reports:

1. Mr. Lynch stated that the event at the Garrison house is part of the Town's 350th celebration. Mr. Lynch stated that there will be a Revolutionary War reenactment on Saturday October 10, 2005, from 10am-5pm and there will be parking available at the old cinema with a free shuttle. Mr. Lynch encouraged residents to attend all activities.
2. The utility project is out to bid and will meet with abutters soon. Mr. Lynch stated that he hoped construction would start in the spring.
3. Mr. Lynch stated that the Golden Cove signals are still in progress. Mr. Lynch stated that this has been over a year long process but has gotten no response from the utility companies. Chairman Eliopoulos asked if the Board should discuss the issue with the Town's counsel.
4. Mr. Lynch stated that the 40B plan is before the state and should hear soon if it has been approved or rejected. Selectman Dalton stated that it would be very difficult to get to the required 10%. Selectman McCall stated that the legislature doesn't understand the problem. Mr. Lynch stated that the Board of Appeals places limits on how much a developer can profit.

Budget FY07: Mr. Lynch gave copies of the budget manual to the Board. Mr. Lynch stated that FY07 looked difficult in terms of fixed costs and revenue. Mr. Lynch introduced Kerry Speidel to discuss the spread sheet that was handed out with different scenarios for FY07.

Ms. Speidel told the Board that the target to actual comparisons for FY06 appropriations was revised for Town Meeting. Ms. Speidel stated that the 3%-1% scenario was provided to the Board in June with a 3% increase in personnel and a 1% increase in expenses for the Town. For schools, a forecast of 4% was applied for the total appropriations. Ms. Speidel showed a deficit of 3,015,000 dollars. Chairman Eliopoulos asked if the police and fire were included in the 3% number. Ms. Speidel stated that the police and fire was adjusted and then added to that were the 3% for FY07.

Ms. Speidel stated that after speaking with the superintendent it was discovered that he wanted a 1.8 million dollar increase over the FY06 appropriations instead of a 4% increase, making it a 4.36% increase. The 2%-1% scenario on the Town side with a 4% increase on the school side was also looked at. Ms. Speidel explained that they kept the school department at 4% because it would be difficult to see what the schools personnel cost and expenses would be.

Ms. Speidel stated that looking at any scenarios the Town is looking at a 2.5 million dollar deficit on the Town side; even with a 1% increase in personnel, which doesn't even include steps and longevity there will be a large deficit.

Mr. Lynch stated that the undistributed costs are up for FY06 to $16,241,000. Mr. Lynch noted that health claims are high leaving a smaller pool of money for the schools and other departments. Mr. Lynch stated that the Town is growing at the same rate but that last year $800,000 was used for one time monies. Chapter 70 money has been cut and the Town was able to fill in this gap with the one time money. Chairman Eliopoulos asked Mr. Lynch for the fixed costs analysis and then to discuss with the School Department what is left over. Mr. Lynch noted that the new growth has yielded 1.4 million dollars, which will help close the gap.

Selectman Newcomb asked if the new growth could go online earlier in the fiscal year. Ms. Speidel stated that she has met with the assessors and they have decided that December 31st will be the cutoff date and any construction in progress as of June 30 will receive a certification of occupancy prior to December 31st. Ms Speidel stated that in December the Town Manager will review the budget and then send it to the Finance Committee.

Mr. Lynch discussed the budget busters that have been discussed in the past, especially health, which has increased. Mr. Lynch stated that state aid is less and less. Even though it was indicated that the Town may be getting money for snow/ice removal from the state, but the Town has not seen the money yet.

Mr. Lynch also commented on how the state led the Town to believe that Chapter 70 money would be there. Mr. Lynch stated that the Town will look to find ways to save. Chairman Eliopoulos commented that even if the Town side is balanced it will not do anything on the school side.

5. Goals Status: Mr. Lynch stated that time would be needed to go through the status report, and that there are accomplishments he wanted to point out.

Town Manager Appointments:

1. Mr. Lynch provided the Board with the lowest bid for road salt and mentioned that prices were down. Mr. Lynch recommended Eastern Salt Co., with a bid of $39.11.

Motion: Selectman Dalton made a motion to approve the Town Manager's recommendation for road salt to Eastern Salt Co. Inc., for $39.11. Selectman McCall seconded the motion. Motion unanimously carried.

2. Central Administration Building Renovation:

Selectman Newcomb gave the Board an update to the school building project. Selectman Newcomb stated that bids have been opened up and the architect and the Project Manager are making sure the qualifications are met and are recommending accepting the renovation bid. Mr. Newcomb gave a brief background of how the project went out to bid twice for renovation and expansion of the administration building. The School Building Committee received five bids for the renovations and the lowest bid was $378,700 (the highest bid was $699,000). Mr. Newcomb explained to the Board that because of an error filling out paperwork and the strict requirements for bidding a bid had to be rejected for the electrical work costing an extra $8,500. Mr. Newcomb stated that

to date money spent on the central administration building has been between $150,000 and $160,000. Mr. Newcomb also noted that the committee is seeking estimates for the addition.

Mr. Newcomb stated that the committee will be holding off on the addition because they want to get the renovations underway and get the bid packages out for the middle school and high school. Chairman Eliopoulos asked if not starting the addition will affect other school projects. Mr. Newcomb explained that the completion date on the renovation is December 1st and the superintendent and his staff will move in during winter break. Mr. Newcomb stated that it has been planned that the IT staff will not move into their new space yet. The superintendent and his staff will go there until the addition is completed.

Motion: Selectman Dalton made a motion to approve the renovation of the Central Administration Building to PRISM Builders Inc. for $378,700. Selectman McCall seconded the motion. Motion unanimously carried.

Housing Authority Land Purchase:

Mr. Lynch was looking for authority to sell land behind the senior center, off of Shelia Ave, to the Housing Authority. Mr. Lynch stated that the Housing Authority was utilizing money from the Community Preservation Fund to help finance the purchase. The Town has identified $240,000 for the Housing Authority, which would be transferred to them. The Housing Authority has $60,000 from their funds giving the Housing Authority the $300,000 needed to buy the land.

Mr. Lynch stated that this sale will:

1. Allow the Housing Authority to go ahead with the special needs project
2. Allow the Housing Authority to work with the state on elderly housing. The Housing Authority needs to file the necessary paperwork. Mr. Lynch noted that this item will be presented at Town Meeting, and the $300,000 will finds its way back into the stabilization fund.
3. Compliance with 40B getting closer to the 10% the Town needs.

Mr. Lynch recommended selling the parcel of land to the Housing Authority for $300,000 dollars.

Motion: Selectman Dalton made a motion to approve the sale of the land behind the senior center, on Groton Street, parcels 12-17-4, 12-17-1 and 12-17-5 for $300,000 to the Chelmsford Housing Authority. Selectman McCall seconded the motion. Motion unanimously carried.

Robin Hill Meadows:

Mr. Lynch stated that the forms on this LIP project have been reviewed by the selling price will be $164,500 making it affordable.

Motion: Selectman Dalton made a motion to approve the regulatory agreement between the Town and Robin Hill Meadows. Selectman McCall seconded the motion. Motion unanimously carried.

Selectman Referrals:

Selectman Newcomb made the following referrals:

1. Selectman Newcomb noted that the School Building Committee has been meeting weekly and is moving forward.
2. Selectman Newcomb stated that residents of Quigley Ave. are following the Traffic Calming Policy and are currently getting traffic counts. Selectman Newcomb stated that he spoke with the fire department and the bridge will be a problem, since it can not be closed off. Selectman Dalton agreed with a 4-way stop to control the traffic. Mr. Lynch stated that more analysis needs to be made and will get back to the Board.

Selectman McCall made the following referrals:

1. Selectman McCall mentioned that the Community Preservation Committee is discussing with land owner options for their land other than to sell to developers.
2. Selectman McCall attended the Historic Fair and thought it was done well and wanted to recognize the stable for donating to the Katrina Fund. WFL Stables on Robin Hill Road donated all the money they collected giving pony rides to the Katrina Fund.

Selectman Dalton made the following referrals:

1. Selectman Dalton asked to have the Beer and Wine form amended to have the time more visible.
2. Selectman Dalton and Selectman Chase attended some fundraisers. One for Chelmsford Cares and the other for a North Chelmsford Community group.
3. The pre-Town meeting will be held at the Police Station on October 12th.
4. Selectman Dalton asked about the Town's electric and how in the past the set-up structure was addressed. Selectman Dalton mentioned a recent bill from the legislature that would allow Chelmsford to do this. Mr. Lynch stated that there has been discussion in the past about doing this but no one was interested. Mr. Lynch stated that he would look into this and report back to the Board.
5. Selectman Dalton mentioned how the Planning Board was tabling a lot of plans. Selectman Dalton also noted that there are 600 acres in North Chelmsford that could be set up for Affordable Housing for seniors. Mr. Lynch stated that talk has been in the past on how to use this property and options are being looked into. Mr. Lynch stated that this was suggested as being part of the goal session and he suggested coming up with a strategy on how to go ahead with a master plan for this land. Mr. Lynch also mentioned some urban areas near Boston having problems with reaching the 10% mark for 40B projects. Selectman McCall noted that this may get urban representative's attention.

Selectman Chase made the following referrals:

1. Selectman Chase noted that the School Committee is aware of the FY07 budget and have started to identify a cost structure. Selectman Chase stated that he would place a copy in the reading folder for the other Selectmen.

2. The Classification subcommittee has met and a report has been drafted. The sub-committee finalized draft was done on September 30. Selectman Chase noted the public hearing session on November 7th with a vote to be made on November 21st Chairman Eliopoulos suggested a work session prior to the public session.

Chairman Eliopoulos made the following referrals:

1. A meeting of the Board needs to be scheduled to discuss the joint meeting with the Charter Review Committee. Chairman Eliopoulos asked the Board to send comments to Selectman Newcomb.
2. Chairman Eliopoulos commented on the Chelmsford Business Association's letter that went out to all of its members to support the Katrina Fund. Chairman Eliopoulos stated that the letter made an impact on the fund.

Press Questions:

1. How realistic is the end date for the School Building Project? Selectman Newcomb stated that if the project is not completed there is a penalty in the project. Selectman Newcomb thought the completion date was very realistic.
2. Where is the land purchase being made by the Housing Authority? Mr. Lynch stated that it was on Groton Road and that the parcel is 3.588 acres.

Chairman Eliopoulos stated that he has had calls from Sycamore Street residents and that counts are being done to get more data.

Mr. Lynch noted that Comcast has been made aware that the Town has denied its proposal and a new agreement needs to be put in place

Motion: Selectman Dalton made a motion to adjourn to executive session at **9:07**. Selectman McCall seconded. Motion unanimously carried.

Next Scheduled meeting is **October 24, 2005**

Respectfully Submitted,

Patrice Garvin

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ELIZABETH L. DELANEY
TOWN CLERK

TOWN OF CHELMSFORD
BOARD OF SELECTMEN

Joint Meeting with the School and Finance Committees
Thursday, October 6, 2005
Senior Center

Attending Board of Selectmen:
Philip M. Eliopoulos, Chairman
William F. Dalton, Vice Chair
Michael F. McCall, Clerk
Samuel Chase, Selectman

Bernard Lynch, Town Manager
Kellie Hebert, Assistant to the Town Manager
Kerry Speidel, Finance Director

Attending School Committee:
Angelo Taranto, Kevin Porter, Evelyn Thoren, Kathy Duffett, and Thomas Mills
Also present: Dr. Richard Moser, School Superintendent

Attending Finance Committee:
Jon Kurland, Mary Frantz, William D Fulton, David Turocy, Dwight Hayward

7:20 PM
Chairman Eliopoulos opened the meeting and welcomed the School and Finance Committees to the Joint Meeting. He stated that the presence of all three committees is a good indication of the willingness and cooperation that will be needed to work together to address the anticipated fiscal issues that will impact the Town in the coming years.

Town Manager Bernard Lynch emphasized the importance of the committees working together to understand and address the challenges that are facing the Town in regards to its present and future financial position. The problems are not unique to Chelmsford. Mr. Lynch presented a slide show presentation entitled "Town Finances" to the Joint Committee Members.

Presentation by Town Manager Bernie Lynch:
Mr. Lynch began with a review of the June 2005 meeting: 1) FY 2006 Budget Deficit is calculated at $210,838. 2) A budget model developed in FY'02 was received and spending targets for the School and other Town departments were determined after funding for non-discretionary costs were established. The Financial Trend Analysis included indicators to fiscal health; changing fiscal conditions and a guide for future action. The analysis determined that the Town is in good financial condition, but that now is the time to review current practices and make adjustments to insure continued fiscal stability.

The Financial Forecast identified future budget conditions for FY2007 through FY 2010. Revenue assumptions included: minimal increases in State Aid; moderate growth in local receipts; decreasing amounts of available funds; steady growth in the tax base. Expenditure Assumptions included: 3% increase in non-school discretionary spending; 4% increase in school

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discretionary spending; 15-20% increase in pension costs; debt service expenditures per current schedules. These assumptions produced a $2.6M deficit for FY 2007.

Mr. Lynch gave an update to the June 2005 meeting information. The end of FY'05 included no surprises and ended as predicted. The Free Cash Certification is expected at $1.213M (representing $1.7M less $487,000 hotel/motel taxes that were already appropriated.) The FY'06 budget shortfall is eliminated using the following: State Aid (+328,342); E-Rate & Additional Investment Income (+ $100,000); Fund deficit left at Annual Town Meeting (- $210,838); Additional appropriation to Schools (-$141,700); and Medicaid Reimbursement, Teacher Retirements, Stabilization Fund, E-Rate and Miscellaneous adjustments to state assessments (- $1.49M).

This large deficit could have happened in any year, beginning in FY 2004. The budget model was originally based upon the notion that Chapter 70 funding would go directly to the schools. However, once Chapter 70 funds were cut, the Town began to make up the difference. Largely, non-recurring revenue was used to fill the gap largely left by State's cuts to Chapter 70 funds. The non-recurring revenues used to close the gap included $5.74M (from other non-recurring revenues including free cash, stabilization, overlay surplus and excess hotel/motel taxes) in addition to a reduction of $3.9M of Stabilization Funds (used since FY'04) to offset debt service costs.

Today, these non-recurring revenues are dwindling. The use of the Stabilization Fund at higher-than-planned levels will negatively affect the Town's bond rating. This is a huge consideration given the need to permanently finance $31M school project in the next few years. For every 1/8 % increase in the Town's interest rate, the Town will need to pay an additional $400,000 in debt service expenditures.

Other reasons for the deficit include the limited growth and development in the Town and the skyrocketing costs of employee benefits. FY'07 pension costs will increase 15%, approximately $590,000. FY'07 health insurance will increase 20-30%, approximately $1.7M to $2.6M. Presently, the Town is 27% over its paid premiums due to a high number of claims.

The original Financial Forecast estimated a $2.6M deficit for FY'07. Additional scenarios were prepared based upon lower budgetary increases. Based upon estimated revenues, no scenario will allow for ANY budgetary growth. Under the new scenarios, a deficit exists under any scenario, except for the "Balanced Budget". Under this scenario, the Town would grow .55%, but Schools would be cut 1.66%. The Town goes up under this scenario because the Town has been under target since FY04. This is still a no growth scenario for the Town because step and longevity increases alone account for approximately 1%.

To address the FY'07 Budget, there are three choices to be made: increase revenues, or decrease expenditures, or do a combination of both. The key expenditure issues include: union contracts (all are unsettled for FY'07 but other towns' show COLA ranges of 1.25-3.5%); utility costs; employee benefits costs; inability to maintain service levels with smaller budget; and lastly, an exploration of additional consolidation of services, such as financial services and technology. The key revenue issues include: non-recurring revenue shouldn't be used to fund recurring

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expenses; fewer non-recurring revenues are available to be used; use of the Stabilization Fund; and lastly, a need for new or increased revenue sources.

School Committee Chairman Evelyn Thoren suggested that the School Committee website should include information for parents and citizens to write to the state to advocate for increased state funding for education.

Presentation by Superintendent of Schools Dr. Richard Moser:
Superintendent of Schools, Dr. Richard Moser presented a slide show presentation to the Joint Committee Members entitled "FY 07 Budget Forecast, October 2005".

Dr. Moser began with a description of the schools "Budget Building Modalities" from 1989 to 2005 including: Maintenance Mode (1989-1993), Program Development (1990-1998), Basic Needs (1998-2001) and Survival Mode (2001-2005) which focused on fixed costs.

The "fixed costs" for the School Department include step and degree increases ($700,000); utilities ($300,000); transportation ($200,000); tuition for private special education schools ($200,000); and salaries (based on 2.2% - $700,000) for a total of $2.1M in fixed costs. For step and degree increases, an annual commitment of approximately $700,000 will be needed for the next 5-8 years. This amount represents $650,000 for step increases and $50,000 for degree increases. Presently, 265 of 440 teachers (60%) are on step. This expense is not expected to disappear before 2010, when the number will decrease due to natural turnover. The utilities costs represent a 30% increase in last year's budget. The projected costs for utilities could go as high as a 70% increase to $700,000. Transportation costs are budgeted at $200,000 for FY'07; however, this is the last year of the current transportation contract. There is a greater exposure for increases in FY '08 and beyond. The tuition costs for private, special education schools have risen by 3.5%. Salary negotiations are scheduled to begin next year. Based on a 2.2% increase, the fixed cost for salaries will be approximately $700,000.

Offsets to the $2.1M fixed costs include longevity savings of $26,000 and retirement savings of $274,000 for a subtotal of $300,000. The total net budgetary exposure totals $1.8M. The budgetary exposure is expected to be between $1.6M to $1.8M annually through the year 2010. Given the FY'07 budget of $40,440,837, the total budgetary exposure for FY'07 leaves a projected shortfall of $2,600,663. The net shortfall range could fall anywhere between $3,092,536 and $2,250,663. The most significant unknown factor is the amount of State Aid.

Dr. Moser concluded his presentation by giving an overview of his budget timeline. In August and September, the School Department performed program analysis. In October and November, program reductions and restructuring will be conducted. In December and January, budget deliberations will take place leading up to the April Town Meeting.

Discussion
Chairman Eliopoulos opened the floor to comments and questions.

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TOWN CLERK

The Finance Commission asked if the budget model meets state requirements, especially without Chapter 70 funds. Mr. Lynch indicated that it does. Chairman Eliopoulos asked if there were any additional areas to generate more funds through the use of fees. Mr. Lynch responded that while some may be available, permanent fees may only offer a little relief to a much larger problem. Mr. Lynch noted that the question may need to go to the voters: should the Town raise taxes or cutback in services. The School Department has not seen any large increases in its budget, and the Town is being managed very lean, especially in relation to other towns. We spend less money to deliver the most services and everyone is operating at full capacity.

Dr. Moser stated that the School Department is in "Survival Mode", that is to say that people or programs are at risk. The $2.6M shortfall needs to be addressed sooner rather than later. Chairman Eliopoulos asked Dr. Moser if school fees have been considered. Dr. Moser responded "no" and that bus fees are only a last resort. Fees are not part of the equation, yet even if they were, they would not cover the deficit.

School Committee Chairman Ms. Thoren stated that the School Department runs lean also, and strives to maintain current levels with no extras. The committee needs to work with the community to publicize the fact that citizens can help to get the state to give more funds to education. The town needs the help of town residents to make a case for the Town to get extra Chapter 70 funds and increased aid. Members of the Board of Selectmen have testified at the statehouse to lobby for increased aid, but the town can't depend on the state to give Chelmsford $2.6M. The town needs to publicize how lean the town is running already, so they understand that an override may be necessary.

Mary Frantz, Member of the Finance Committee, noted that in 1990, the Town was forced to decide between cutting sports or charging fees. Dr. Moser responded that fees have caused problems.

Selectman Mr. William Dalton asked what other communities are spending compared to us. He asked how much would be needed if an override were proposed and whether $2.6M would be enough to cover the gap, and for how long. Mr. Lynch noted that some research is being collected now to analyze costs and personnel in Chelmsford and comparisons with other towns. Cuts have been made every year. Selectman Mr. Dalton noted that it isn't the Town's job to cut back services to levels that children won't get the education that they deserve or that quality services cannot be provided. Mr. Lynch stated that a Benchmarking Report is being developed in order to illustrate how Chelmsford compares with other similar towns.

Selectman Samuel Chase stated that the issue goes to credibility. The town needs to set a baseline for its services. The services need to be identified for citizens to understand what the services provide and what the issues is that impact the budget situation. Most people don't understand what is required by the State. We need to show what things would look like if 5% were cut.

Chairman Eliopoulos stated that the reality of an override is tough. A request for a $2.6M override would be extremely difficult. He would like to be assured that both sides have done

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everything possible to show where money has been saved and that every possible new revenue has been considered and collected when possible.

School Committee Chairman Thoren requested that benchmarking information and comparisons between Chelmsford and other towns include school department information in addition to non-school departments. Mr. Lynch stated that the list of comparable towns and data collection points would be forwarded to the School Department for them to review and utilize to collect additional school department information. The Joint Committee Meeting will include this information for discussion.

Dr. Moser suggested that the committee illustrates what $2.6M budget reduction will look like, what the consequences of the cuts will be. Members of the School Committee suggested that the group needs to describe what will happen. The committee needs to start with what is "necessary" based on a philosophy of the town.

Mr. John Kurland of the Finance Committee stated that while most people may understand the importance of the services provided and the need for an override, the reality is that if it hurts their pocket books, they might not vote for it.

Selectman Dalton noted that residents need to understand that the actions of the State are affecting our budget problems. He asked about local aid levels in Massachusetts. Mr. Lynch stated that that every year, the Massachusetts Municipal Association files legislation for increased local relief aid, and every year it dies.

Mr. Lynch stated that the FY'07 state aid will be announced in the next 2-3 months. However, waiting this long to act on a projected deficit may not be feasible.

Mr. Lynch stated that it needs to be made clear to residents which way the town is heading. The benchmarking results will be available in the next 2-3 months. The state numbers for State Aid will be announced in mid-January. There are increasing non-discretionary costs, little state aid and no new growth revenues to draw upon. The committees need to decide on future action -- override or cuts -- by January.

Selectmen Chairman Mr. Eliopoulos stated that the committee needs to decide what to do. Mr. Lynch suggested that each Committee meet individually to discuss the matter in more detail. The Joint Committee could then reconvene to discuss what should happen next.

Selectmen Mr. McCall stated that the Town needs to provide services to its citizens and that those services can't be cut back time after time. The committees need to take a step back and see in what direction it needs to go and to determine what quality of life issues need to be protected.

School Committee Chairman Ms. Thoren stated that if we say we will make cuts, the cuts need to be made. She asked how to best get the message out throughout the town regarding the things that residents can do to help, such as recycling which will save the town money. She suggested that the next joint meeting be held November 15, 2005. Mr. Eliopoulos suggested all members check their schedules.

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Motion: Chairman Hliopoulos made a motion to adjourn at **9:30 PM.** Selectman McCall seconded. Motion unanimously carried.

ELIZABETH L. DELANEY
TOWN CLERK

Respectfully Submitted,

Kellie Hebert

MEMORANDUM
CHELMSFORD HIGH SCHOOL ATHLETIC DEPARTMENT

To: Dr. Richard Moser, Superintendent of Schools
Chelmsford School Committee

From: CHS Athletic Department

Re: Athletic Carnival Fund-Raiser

Proposal: 16th Annual Carnival

Place: Chelmsford High School Side Field

Parking: Chelmsford High School Parking Lot

Days: Wednesday through Sunday

Dates: September 15-18th, 2005

Times:
Wednesday: 6-10 p.m.
Thursday: 6-10 p.m.
Friday: 6-11 p.m.
Saturday: 12-11 p.m.
Sunday: 12-6 p.m.

Company: Bourget Amusements

Profits To: CHS Athletic Department
20% of Gross Sales from Rides
$100 per Concession Unit

Clean-up: By Bourget Amusements

Approval Allen Thomas, Principal of Chelmsford High School
Dr. Richard Moser, Superintendent of Schools

cc: Bernie Lynch, Town Manager
Chelmsford Board of Selectmen
Chelmsford Police Department

TOWN OF CHELMSFORD
ROADWAY EASEMENTS
(PERMANENT AND TEMPORARY)
ORDER OF TAKING

WHEREAS, the Board of Selectmen, acting on behalf of the town of Chelmsford, Middlesex County, Massachusetts, under the authority of Chapters 40, 41, 79, 82 and 83 of the Massachusetts General Laws and acts in amendment thereof and in addition thereto adjudges that public necessity and convenience require that the town should alter, layout and take charge of portions of certain public ways in said town.

The roadway easements are made in five sections and consists of widening a portion of Parkhurst Road, North Road (Route 4) and Davis Road.

The coordinate system of bearings used for this alteration is that of the North American Datum of 1983 (NAD 83).

Section 1

The first section of permanent roadway easement provides a location for the widening of a portion of Parkhurst Road on the northwesterly side thereof at its intersection with North Road (Route 4) and is bounded southeasterly by Parkhurst Road, northwesterly by North Road (Route 4) and by the line described as follows:

Beginning at a point on the northwesterly street line of Parkhurst Road, said point being at N 3049619.2168, E 692922.7546 and extends thence, leaving said street line N 40°17'09" E 110.00 feet to a point at N 3049703.1305, E 692993.8828; thence S 49°42'51" E 7.00 feet to the point of ending thereof again on the northwesterly street line of Parkhurst Road, said point being at N 3049698.6043, E 692999.2226.

Section 2

The second section of permanent roadway easement provides a location for the widening of a portion of Davis Road on the northwesterly side thereof at its intersection with North Road (Route 4) and is bounded southwesterly by Davis Road, northeasterly by North Road (Route 4) and by the line described as follows:

Beginning at a point on the southwesterly street line of North Road (Route 4), said point being at N 3049536.9229, E 692873.2153 and extends thence, leaving said street line by a curve

to the right of 30.00 feet radius 23.71 feet to a point at N 3049514.7066, E 692879.5279; thence again by a curve to the right of 191.50 feet radius 62.48 feet to a point at N 3049454.9515, E 692862.2536; thence still again by a curve to the right of 90.00 feet radius 59.71 feet to the point of ending thereof on the northwesterly street line of Davis Road, said point being at N 3049413.1232, E 692821.1822.

Section 3

The third section of permanent roadway easement provides a location for the widening of a portion of Parkhurst Road on the southeasterly side thereof at its intersection with North Road (Route 4) and is bounded southerly by North Road (Route 4), westerly by Parkhurst Road and by the line described as follows:

Beginning at a point on the southeasterly street line of Parkhurst Road, said point being at N 3049538.5220, E 692957.9491 and extends thence, by a curve to the right of 700.00 feet radius 100.00 feet thereof again on the southeasterly street line of Parkhurst Road, said point being N 3049627.7312, E 693002.5385.

Section 4

The fourth section of permanent roadway easement provides a location for the widening of a portion of North Road (Route 4) on the southwesterly side thereof at its intersection with Dalton Road and is bounded northeasterly by North Road (Route 4), southwesterly by Dalton Road and by the line described as follows:

Beginning at a point on the southwesterly street line of North Road (Route 4), said point being at N 3045713.3600, E 695144.8550 and extends thence S 26°44'18" E 202.97 feet to a point at N 3045532.0946, E 695236.1737; thence by a curve to the right of 35.00 feet radius 42.78 feet to the point of ending thereof on the northeasterly street line of Dalton Road, said point being at N 3045492.3460, E 695230.3902.

Section 5

The fifth section of permanent roadway easement provides a location for the widening of North Road (Route 4) on the westerly side thereof at its intersection with Dalton Road and is bounded easterly by North Road (Route 4), northerly by Dalton Road and by the line described as follows:

Beginning at a point on the southerly street line of Dalton Road, said point being at N 3045436.2847, E 695283.8814 and extends thence, leaving said street line S 26°44'18" E

130.00 feet to a point at N 3045320.1881, E 695342.3691; thence S 44°11'04" E 22.14 feet to the point of ending thereof on the easterly street line of North Road (Route 4), said point being at N 3045304.3090, E 695357.7832.

The locations of permanent roadway easements laid out as hereinbefore described are to be further defined by bounds set thereon at angle points, points of curvature and at the points of beginning and ending thereof, where feasible.

A permanent drainage easement is hereby taken in the parcel of land hereinafter referred to as Parcel D-1 for the purpose of draining and maintaining the aforesaid town ways and consists of the right to enter upon said land at any time to construct thereon and to use and maintain drainage structures and/or drainage ditches, together with the right to discharge surface water upon said land. The location of the aforesaid easement is more particularly shown on the plan to which to which reference is hereinafter made.

Temporary easements are hereby taken in the parcels of land shown on the plan hereinafter referred to as Parcels TE-1 through TE-21 inclusive, consisting of the right to enter upon said land at any time during the effective period of said easements to accomplish the necessary work within said parcels including constructing or reconstructing driveways, slopes of excavation and/or embankment and to perform any incidental work. Said easements are temporary in nature and are to be in effect only for a period of two years from the date of the recording of this instrument.

For the purpose of laying out, constructing and maintaining the sections of town ways hereinbefore described, the Board of Selectmen, on behalf of the town of Chelmsford, under authority of a vote of the Chelmsford Town Meeting, Articles 30 & 31of the annual town meeting held commencing April 25, 2005 and under the provisions of Chapter 79 of the General Laws, and all other general or special laws thereto enabling do hereby take easements for highway purposes in the parcels of land shown on the plan hereinafter referred to as Parcels E-1 through E-6 inclusive, being set forth in the schedule hereinafter contained.

The town ways are hereby altered and laid out and the aforesaid takings are shown on a plan prepared by Vanasse Hangen Brustlin, Inc. dated January 28, 2005, to be recorded herewith and entitled:

PERMANENT AND TEMPORARY EASEMENT
PLAN OF
NORTH RD/PARKHURST RD/DAVIS RD
AND
NORTH ROAD AT DALTON ROAD
IN THE TOWN OF
CHELMSFORD
MIDDLESEX COUNTY

SCALE: 20 FEET TO THE INCH"

For damages sustained by the following owners in their property by reason of the aforesaid takings, and in accordance with the provisions of General Laws, Chapter 79, Section 6, as amended, awards are made.

Parcel No.	Record Owner	Area (S.F.)	Book	Page	Award
E-1	The PSL Realty Trust	708	9688	214	$ 2400
TE-2		984			$ 350
TE-5		329			$ 350
E-2	Matthew J. & Cheryl Needle	1409	2105	071	$ 4700
TE-6		1478			$ 800
E-3	Chelmsford Church of Christ	541	1992	563	$ 1500
TE-7		4039			$ 1700
E-4	David A. & Heidi S. Jackson	523	8703	069	$ 400
D-1		213			$ 200
TE-15		1593			$ 200
E-5	Julie A. Jones	1190	8854	300	$ 2000
TE-16		4100			$ 1100
E-6	Margaret M. Robinson	1527	2107	664	$ 5100
TE-20		2168			$ 1300
TE-1	Kenneth H. & Marie A. Williams	780	7234	246	$ 100
TE-3	Chelmsford Congregation of Jehoviah's Witness	1008	1992	563	$ 500
TE-8	Ray F. Schuster, Administrator of the Estate of Doris E. Schuster	2333	4393	1167 Probate No. 03PO299A	$ 600
TE-21	David W. & Anne C. Hayden	870	4196	280	$ 400

The names of the owners herein given, although supposed to be correct, are such only as matters of opinion and belief.

It is therefore,

Voted: That said ways as altered by permanent and temporary easements, as described herein, and as described and shown on said plan, be and the same are hereby laid out and taken charge of by the town of Chelmsford.

Dated this day of ,2005 at Chelmsford, Middlesex County, Commonwealth of Massachusetts.

Board of Selectmen

_____

_____

_____

_____

_____

ATTESTATION

COMMONWEALTH OF MASSACHUSETTS

Middlesex County, ss.

On this _____ day of _____, 2005, before me, the undersigned Notary Public, personally appeared the above-named _____ _____ proved to me by satisfactory evidence of identification, being (check whichever applies): □ driver's license or other state or federal governmental document bearing a photographic image, □ oath or affirmation of a credible witness known to me who knows the above signatory, or □ my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purpose, as the duly-authorized (check whichever applies): □ Manager, □ Members, □ Real Property Signatory of the Chelmsford Board of Selectmen.

(Print Name of Notary Public): _____
My Commission Expires:
Qualified in the Commonwealth of Massachusetts

Parcel No.	Property Owner	area in square feet	town appraised value	appraisal value
TE-1	Kenneth H & Marie A. Williams 253 North Street	1954	$ 1.00	$ 100.00
TE-2,E-1,TE-5	Paul S. Lynch Trustee of the PSL Realty Trust 4 Parkhurst Road	E-1 : 708 TE-2, -5:	$ 2,200.00	$ 3,100.00
TE-3	Chelmsford Congregation of Jehoviah's Witnesss 220 North Road	1789	$ 1.00	$ 500.00
TE-6, E-2	Matthew J. & Cheryl Needle 212 North Road	E-2: 1409 TE-6: 1478	$ 4,300.00	$ 5,500.00
TE-7, E-3	Chelmsford Church of Christ 205 North Road	E-3:1122 TE-7	$ 3,400.00	$ 3,200.00
TE-8	Ray F Schuster, Adm. Of the Estate of Doris E. Schuster 4 Davis Road		$ 1.00	$ 600.00
TE-15,E-4,D-1	David A & Heidi S Jackson 62 Dalton Road	TE-15:1593 E-4: 523 D-1: 213	$ 750.00	$ 800.00
TE-16, E-5	Julie A Jones	TE-16:	$ 1,000.00	$ 3,100.00

TOWN OF CHELMSFORD
AMENDMENT TO THE TRAFFIC RULES AND REGULATIONS

The selectmen of the Town of Chelmsford, acting under authority conferred by section 22, chapters 40 of the General Laws and by virtue of any and every other enabling power, do hereby vote to enact the following:

A. LEFT LANE MUST TURN LEFT
North Road southbound onto Parkhurst Road
North Road northbound onto Davis Road
North Road southbound onto Dalton Road
North Road northbound onto Dalton Road

B. RIGHT LANE MUST TURN RIGHT
Parkhurst Road (right lane) at North Road
Davis Road (right lane) at North Road

C. YIELD SIGNS – To be installed in accordance with applicable permits filed or to be filed by the TOWN and approved by the DEPARTMENT.
Parkhurst Road (right lane) at North Road
Davis Road (right lane) at North Road

Date of Vote:

Board of Selectmen
Town of Chelmsford

_____

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Attest of Town Clerk:

_____

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TOWN OF CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Tuesday, October 17, 2005
Senior Center, Groton Road

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager

6:35pm
Retiree representative
Mr. Lynch stated that there was a vacancy on the Insurance Advisory Committee. Mr. Lynch explained that this appointment was for a representative of the union who is a retiree. Donald Stevens worked with the school maintenance people and Mr. Lynch appointed him as the retiree representative on the committee.

> **Motion:** Selectman Newcomb made a motion to approve the appointment of Donald Stevens as the retiree representative to the insurance advisory committee. Selectman Dalton seconded the motion. (3-0)

Town Warrant:
Article 2; The stabilization fund article indicated that 1 million from free cash eliminating any flexibility how to fund this article. Selectman Newcomb asked what the stabilization fund was at currently and Mr. Lynch responded that it is 3.8 million dollars. Mr. Lynch advised the Board that the Free Cash amount was somewhat less than anticipated and that $497,000 had already been designated to the budget. Several of the articles would need to be adjusted. Mr. Lynch stated that nothing has changed in terms of the money article amounts but only how the money was divided. Selectman Dalton asked where the Town was on its stabilization plan. Mr. Lynch replied that the Town was on target, and the Town is doing better on its investments.

Article 3; In discussion with the school department, which would have received $229,000 from Medicaid funds if there was adequate free cash. Mr. Lynch advised the superintendent of the situation and why the school department was not getting the full amount. Article 5 is pulled because there are no late bills.

Article 7; This is $141,700 to the school department which is calculated as ½ the Chapter 70 money increase. Mr. Lynch pointed out that the school department is getting all of the Chapter 70 money from local share would be decreased.

Article 8; Mr. Lynch commented that he has discussed this with Mr. Sheehan and Mr. Pearson and the land is of no use to the Town. It should be withdrawn, since that it was originally submitted by the Town Manager.

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Article 9; Mr. Lynch discussed a cell tower to be placed behind the East Fire Station. Selectman Dalton suggested that Mr. Lynch indicate at Town Meeting that the location is the farthest location from the building. Selectman Newcomb asked if the Town owns the antenna. Mr. Lynch stated that the Town would not own the antenna but would get a share of anyone that goes on it.

Article 10; Mr. Lynch stated this pertains to property selling off of Merilda Avenue valued at $1800 and the interested party is Richard Day. Article 11; Mr. Lynch indicated that this pertains to selling property on Russell Rd. also with a value of $1,800.

Article 12; Mr. Lynch commented on the recreational vehicles issue in the warrant and indicated the redefinition of the word dwelling and permission is needed on order to operate on the property, and the individual needs to be 150 feet away from the dwelling. There is also discussion of age limit, noise and requirement of mufflers on the vehicles.

Article 13; Mr. Lynch stated that there may be a push to not reduce the age to 65 but keep at 70, and have the exemption increased from $500 to $1000. Mr. Lynch stated that this requires special legislation to raise the number. Mr. Lynch stated that the exemptions will cost $30,000 for the Town.

Article 14 accepts statutes for local control of dogs, and article 16 is a repetition of article 14; therefore article 16 was withdrawn.

Article 22; Selectman Newcomb asked how the Town plans to enforce recycling laws. Mr. Lynch stated that other Towns have adopted the same by-laws and have saved money in the process by instructing the hauler to not pick up trash that violates the bylaw.

Article 25 is $8,000 for historic preservation for the cemetery. Article 26 is authorization for five year contracts. Last three articles have to come to legislative body for approval. Article 27, school bus contract a five year contract. Article 28 is the substitute teacher contract and Article 29 is the HBAC maintenance.

> **Motion:** Selectman Dalton made a motion to approve the 28 articles in the Town Warrant. Selectman Newcomb seconded the motion. Motion unanimously carried (4-0)

Charter Discussion:

Chairman Eliopoulos stated that he wanted to discuss some ideas with the Board before they met with the Charter Review Commission. Chairman Eliopoulos pointed out that Selectmen could present their ideas individually but that the Board should come up with issues they agree on.

Chairman Eliopoulos suggested the following:

1. Board of Selectmen set policy therefore they should appoint policy committees.

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ELIZABETH L. CLARKE
TOWN CLERK

2. Raising the number of Board members on the Board of Health from three to five. The reasoning being that if two members do not get along the third member will always be a swing vote.
3. Raising the number of Board members on the Cemetery Commission from three to five.
4. Having the precinct number change. Selectman Newcomb suggested not specifying a number but be flexible. Selectman Dalton asked what triggers the change of precincts if it is not a number. Chairman Eliopoulos stated that the town could do that as long as it was consistent with state law. Chairman Eliopoulos added that the language needed to be changed so that when a new precinct is needed a new charter commission would not have to be formed. Selectman Newcomb cautioned not to change for change sake but to review what was needed.

Selectman Newcomb suggested the following:

1. That the Board of Health should be appointed not elected. Selectman Dalton stated that there needed to be a separate function of the Board of Health because they make decisions that deal with health issues.

Selectman McCall suggested the following:

1. Selectman McCall commented on how the Board's appointment powers are limited. Selectman McCall also saw the merit in increasing the number of certain boards in Town.
2. Selectman McCall noted that once the sewer project is over the Sewer Commission will dissolve.

Mr. Lynch stated that the Board could serve as the Board of Health and set policy. Chairman Eliopoulos asked if the Board of Health could do more inspections. Mr. Lynch stated that since the new Board of Health employees the inspections on eating establishments have gotten better.

Selectman Chase suggested the following:

1. Selectman Chase commented on the importance of balance between the Town Manager and the Board of Selectmen.
2. Selectman Chase suggested having appointees giving a 45 day notice if they want to leave a committee.
3. Selectman Chase also suggested a defined succession list be given to the Board in advance to a Town Managers absence.

Selectman Dalton suggested the following:

1. Selectman Dalton commented on the appointment powers of the Board and how they needed them back.
2. The issue of $3/5^{th}$ vs. $4/5^{th}$ to remove and hire the Town Manager was discussed. Selectman Dalton stated that older communities have the $3/5^{th}$ removal/hire in

their charter. Selectman McCall cautioned the Board because the Town Manager could be removed under emotional and political situations.

Motion: Selectman Dalton made a motion to adjourn at **7:35**. Selectman Chase seconded. Motion unanimously carried.

Next Scheduled meeting is **October 24, 2005**

Respectfully Submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN
Thursday, October 19, 2005
Town Offices, 50 Billerica Road

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CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

Present: P. Eliopoulos, Chair; B. Dalton, Vice Chair; M. McCall, Clerk; T. Newcomb; S. Chase

Meeting called to order at 6:40 PM by Chairman Eliopoulos.

Selectman Eliopoulos stated that the primary purpose of this meeting is to establish a Board consensus relative to proposed Charter changes prior to our presentation scheduled for 7:15 PM tonight (10/19/05). He further stated that he would like to defer that action for the moment to take up the issue of the Subcommittee report on tax classification recently distributed to the Board.

Selectman Dalton moved to accept the Subcommittee report as written, second by Selectman McCall.

Discussion: Selectman Newcomb feels that the Report should not be accepted at this time. He was under the impression that the subcommittee would meet at least one more time to review the draft before presenting it to the full Board. He has issues with some of the wording in the report, but these are minor in nature. He also feels that there are problems with the appraisal process that have not been satisfactorily answered, and the report does not adequately reflect that. Selectman McCall said that he had reviewed the draft report and had discussed it with Selectman Chase, and while he might have worded some things a little differently and wished that he had more time to delve into certain aspects of the discussion, he can accept the report in its current form. Selectman Dalton asked Selectman Newcomb why he felt he did not have enough time to comment on the draft. It was Selectman Dalton's impression that the draft had been distributed some weeks ago, and that Selectman Chase had tried several times to get the subcommittee together, but the timing was never convenient to get together for a review. Selectman Dalton said that Selectman Chase indicated during our last televised meeting (10/3/05) that time was running out, and that subcommittee members should get their comments to him by e-mail, because he felt that it was probably too late due to posting requirements to meet before October 10, and he did not want the completion date to go beyond that date, which was the "drop dead" date for publication. Selectman Newcomb said that he did not remember that particular discussion. Selectman Dalton asked Selectman Chase to describe what had happened. Selectman Chase said that the draft was completed on September 12. He gave it a final review for accuracy and then sent it to the subcommittee members (via e-mail) on September 14. He tried several times to get the subcommittee together between then and September 30 for a review session, in an attempt to complete the task by September 30, the original target date. No mutually convenient times for meeting could be established, and that is why he made the statements he made at the October 3 meeting. Selectman Eliopoulos said that time is

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running out, and that he considered it imperative that the report be made available to the public as soon as possible, as far in advance of our public hearing as possible to give residents a chance to digest the findings. There were several comments made by all Selectman relative to possible courses of action that could be taken to address Selectman Newcomb's concerns. Selectman Eliopoulos said that we have a regularly scheduled meeting next Monday (10/24/05), but the Town Manager indicated that there are no agenda items. He suggested that we keep that meeting time in place, and use it to accommodate a discussion of the Report. He suggested that the subcommittee get together prior to that meeting, iron out any differences, and then make a report to the full Board on Monday evening. There was discussion as to whether or not the Monday meeting should be televised, with some members feeling that treating the meeting as a work session (not televised) might help the process. Selectman Newcomb said that he will be leaving the area tomorrow (10/20/05), and would not be available to meet before next Monday to review the report in committee. He said he would try to get comments to Selectman Chase by e-mail before he left tomorrow, and if Selectman Chase could make revisions, to e-mail those to him, and he will try to access his e-mail while traveling. It was left to the subcommittee to work out a schedule for reviewing the report prior to Monday evening.

Selectman Dalton withdrew his motion that the full Board accept the subcommittee's report.

Selectman Eliopoulos said that we had to move quickly to a discussion concerning the Board's position on suggested charter changes, as we are scheduled to appear before the Charter Review Committee at 7:15 PM (that night). Selectman Newcomb reported that he had received a number of suggestions from Selectman Chase, and had received no other comments. Selectman Dalton said that Selectman Chase had copied all members on his e-mail to Selectman Newcomb, and he had reviewed the proposals, and he agrees with them. Selectman McCall said that he had reviewed those as well, was basically in agreement, but had questions concerning the appointment of ad hoc committees and the change in the Town Manager's appointment and removal process from a 4/5 to a 3/5 simple majority of the Board. Selectman McCall also has concerns relative to the Town Manager's term of appointment, and the proposed appointment process as well. Selectman McCall feels that the original charter intent was to ensure that enflamed passions did not act to remove the Town Manager, and 3/5 is currently sufficient to get the process going (suspension). Selectman Chase said that he had reviewed 12 or 13 charters for surrounding towns and almost all of them had the 3/5 provisions, and he feels that the 3/5 provisions for both appointment and termination adequately reflect our democratic principal of majority rule. Selectman Dalton said that the Town Manager had indicated during his session with the Charter Review committee that it is the older charters that contained the 3/5 language, and that the newer charters tend to go with the 4/5. He feels that this confirms the wisdom of the 3/5 provision because if it did not work, those older charters would have been changed by this time. Selectman Eliopoulos feels that a 3/5 provision represents control by a majority of the Board, and that it is representative of our democratic principles. Selectman Dalton said that with a 4/5 provision, a majority of the Board can not exercise control. Selectman Newcomb said

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TOWN CLERK

that he is not in favor of a 3/5 provision relative to the hiring/termination of the Town Manager, and that a 4/5 provision guards against undue political pressures. Selectmen Eliopoulos and Dalton both said that they could not conceive of any situation during their tenures where they would have supported the termination of the present Town Manager.

Selectman Eliopoulos said that he is not sure about a three-year term limit for the Town Manager, especially when taken together with any employment contract that may be in effect. He would like additional time to review that situation and feels that the Board should not present that suggestion to the Review Board. There was general discussion on this issue, with a majority of the Board agreeing with Selectman Eliopoulos. Selectman Eliopoulos also feels that the proposal to require the Town Manager to live in the town without exception is too restrictive in certain specific situations. Although he prefers that the Manager live in town, there may be reasonable exceptions that would have to be made to accommodate an unusually qualified candidate, and we should not preclude that possibility. There was general agreement on that issue.

Selectman Eliopoulos feels comfortable with most of the proposed appointment powers for the Selectmen, and agrees that the personnel board should be appointed by the Board to ensure an adequate separation of authority, in the same way that we would not want the Town Manager appointing the Finance Committee. He also feels that the Board should appoint the Public Celebrations Committee as a way of ensuring adequate community involvement, and that this is basically a public relations function. Selectmen McCall, Newcomb, Eliopoulos, Dalton, and Chase feel that the ad hoc committee appointment power suggested for the Board should be reasonably limited to advisory committees only, and those having operational scope should be reserved to Town Manager appointment with Board approval. There was discussion and general agreement on the proposed appointment powers, as well as agreement that the Board should have the power to review the activities of any committee, and have removal power over those committees that they appoint.

The discussion moved to the general appointment powers of the Town Manager and the Board's role in approving those appointments. Selectman Chase said that he suggested the proposed changes in part because he was not happy with receiving 150 plus names on a Friday night with the expectation that he take meaningful action on those appointments on the following Monday. He feels that there should be sufficient time to review those appointments, that there ought to be a mechanism for the Board to make an appointment when the Town Manager fails to do so, but that the Town Manager's appointments should take effect if the Board fails to take action, as is the current practice. He feels his suggestions represent a fair balance of control, and that the process should be fixed in the Charter as opposed to being managed by policy directive. Selectmen McCall, Newcomb, and Eliopoulos feel that a 45-day advance notice as proposed is too long, and suggested 15 days. Selectman Newcomb does not agree with a requirement to list reasons for non-appointment of incumbents. General discussion ensued with the majority of the Board endorsing the proposals with the 15 day advance notice requirement, and deleting the proposed requirement that the Manager list reasons for not appointing incumbents. The Board discussed the proposal that the Town Manager designate a subordinate to act as

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CHELMSFORD

Town Manager in his temporary absence ("temporary" meaning day trips, conferences, vacations, temporary leave, etc.) from a list of Board prior-approved names. There was general agreement on this issue.

The Board agreed by majority that the Chairman would present the following to the Charter Review Committee as the Board's position on Charter Changes:

1. Board Appointment Powers: Present authority retained. Add Personnel Board and Public Celebrations Committee. Add Ad Hoc committees that are advisory in nature only, not operational.
2. General Appointment Powers: Require 15 day advance submission to the Board of the Town Manager's proposed appointments. If the Board does not approve an appointment, require the Town Manager to propose alternate within 15 days. If no proposal, the Board has the authority to make the appointment by 3/5 majority. Make a provision that allows present incumbent to remain in office beyond term if a replacement can not be appointed. Provide for the automatic taking effect of a Town Manager appointment if the Board does not take action on the Town Manager's proposed appointment within 30 days.
3. Town Manager Appointment, Term of Employment and Removal: Require 3/5 majority to hire and terminate. The Board will provide further input on the appointment term. Require that the Town Manager establish residency, with a provision that the board can waive the residency requirement by a 4/5 majority to accommodate highly qualified candidates who otherwise would not consider serving.

Meeting adjourned at 7:25 PM 10/19/05.

Submitted: S. Chase, Selectman

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TOWN OF CHELMSFORD
BOARD OF SELECTMEN/TAX CLASSIFICATION SUBCOMMITTEE
MINUTES
Tuesday, October 24, 2005
Town Offices, 50 Billerica Road

CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

7:00pm
Tax Classification Subcommittee:
Selectman Chase called the Tax Classification Subcommittee to order, recognizing its members, Selectman Newcomb and Selectman McCall. Selectman Chase explained the reason for the Tax Classification Subcommittee report and began with the history of the subcommittee. Selectman Chase stated that the Board of Selectmen has met with Vision Appraisal, the Department of Revenue (DOR) and conversations with various professionals. Selectman Chase noted that the report listed the findings of the Tax Classification Subcommittee.

1. The first section is the history and statement of objectives along with the history of what lead the Selectmen up to the current point in time. This section also includes the Tax Classification Committee's mission statement and process.
2. Section two discusses various definitions and how they relate to the appraisal and legal technology used when appraising. Selectman Chase stated that these definitions were from the Appraisal Institute of Chicago, which is a national organization. Selectman Chase noted that the definitions also are drawn from the MA General Laws.
3. The main section of the report, section three, is the review of the Tax Classification Committee's report and its conclusions.
4. Selectman Chase stated that section four was the basic summary of the Tax Classification Subcommittee.
5. The fifth section of the report discusses tax classification in MA. It reviews the history and way in which tax classification was implemented in MA.
6. Section six is the policy objectives set by the Chairman of the Board of Selectmen and is concerned with a suggested policy. Selectman Chase stated that the Board of Selectmen will review section six before any implementation.
7. The final sections are footnotes and references found throughout the report.

Selectman Chase pointed out the main body is the report of findings and suggested that when reading the Tax Classification Subcommittee's report, the reader should have both the report and the DOR 2004 report in hand so as to refer back and forth between the two documents.

Selectman Chase asked if there were any comments. Selectman Newcomb wanted to clarify the mission statement given to the Tax Classification Committee was changed but it was important to note that it was changed and approved by the Town Manager. It was the Town Manager who appointed the committee and it was communicated to the appointment authority. Selectman Newcomb added that the change was given to the Board of Selectmen when the Tax Classification Committee's interim report. Mr. Lynch stated that the mission statement was expanded and not reduced. Selectman McCall stated that the Board did not see the change before the change was accepted. Selectman

Chase stated that the report was a report of findings and not meant for debate. Selectman Newcomb noted that the implication was the Tax Classification Committee exceeded its scope, and it did not because the change was authorized.

Selectman McCall noted that the Tax Classification Subcommittee has met several times and that Selectman Chase incorporated the minutes and dialog for the report. Selectman McCall stated that Selectman Chase put together the draft report and due to conflict in schedules, the Tax Classification Subcommittee has just recently received the report.

Selectman Newcomb stated that the Tax Classification Committee recommended a split rate of 1.31% and noted that this was for the current year. Selectman Chase stated that he would add that to the report.

Selectman Newcomb referred to the Tax Classification Committee's comment on the income method and how it found that the results in values were well below the actual market value, and that the Subcommittee's response is that they do not agree. Selectman Newcomb stated that based on sales information from Mr. Reen, recent sales data, and discussions with Vision Appraisal there is a wide disparity in assessment. Selectman McCall stated that there are certain practices used by assessors and that the Billerica property was not a qualified sale for a variety of reasons. Selectman Chase stated that the research was clear and the sales price does not equal the fair market value, for assessment purchases. Selectman Chase added that it was clear from the statute and the MA Supreme Court Definitions of fair market value. Selectman Chase added that the DOR does not see the discrepancies. Selectman Newcomb pointed to the sales of office condos and how it is evidence that the sales approach can be used. Selectman McCall stated that if the sales approach was applied to commercial properties it would not apply. Selectman Chase stated that the sales data is used as additional data.

Selectman Chase asked if Selectman Newcomb thought the value of a lease should be included in the appraisal of the land. Selectman Newcomb responded that when looking at 270 Billerica Rd., the property was appraised at 10-12 million dollars, and when using the income method, it was appraised for a lot lower. Selectman Newcomb asked why there was an over-reliance on the income method when two out of three assessments were cut in half. Selectman McCall stated that it depends on what the market will bear and it has to be based upon full and fair cash market value. Selectman Chase added that it was a case of supply and demand and that the methods should not be taken individually. Selectman Newcomb stated that he did not agree with the Tax Classification Subcommittees report in regards to the methods used for assessment.

Selectman Chase referred to a letter he received from Jack Duffett, a member of the Tax Classification Committee. Mr. Duffett agreed with the explanations given by Vision Appraisal at the August 15th BOS meeting. Mr. Duffett stated that if he had the information at the time of drafting a section of the Tax Classification Committee's report then it would explain the difference in evaluation between residential and commercial properties. Mr. Duffett's main concern was the application of methodology on mass basis; Selectman Chase agreed with Mr. Duffett and agreed the problem was in collecting

data. The Tax Classification Committee suggested that the Town should implement a market database with other Towns and the subcommittee agreed it should be done. Selectman Chase noted that DOR stated this database could be done. DOR also stated that the farther away the information is geographically the less reliable the results will be. If the geographic information is reasonable, then DOR would consider using the information.

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Selectman Newcomb felt that there is is inequity with the consistent under –valuation of commercial and industrial values. Selectman Newcomb stated that it is clear that there is a deficiency in the methodology. Selectman Newcomb did agree with the section that the evaluation process is consistent with the industry standards. Selectman Chase stated that the 40-50% average return on forms statewide is poor and it is a problem. Selectman McCall stated that the DOR report indicates that income method is an industry standard and used to determine evaluation. Selectman McCall had no disagreement with the conclusion of what the Town is doing but expressed concern with the process. Selectman McCall added that multiple forms of assessment are used and a minimum of two methods are used, with income being the preferred method. Selectman Newcomb stated that there is an over-reliance on the income method. Selectman Newcomb commented on how Visions stated that they adjust the cost down to meet the income method. Selectman McCall noted that it goes back to the evaluation limit because the forms are not returned and what the market will bear why the income method is used. Selectman Chase stated that fair market value is not the sales price and it is easy to get that impression from the Tax Classification Committee's report.

Selectman Newcomb was concerned with the income method undervalues commercial properties. Selectman Newcomb stated that the problem with the income method is related to the capitalizattion rates. Vision stated that they come up with a capitalization rate based on what property they are looking at. Selectman McCall recalled Vision stating they received their capitalization rates from a standard publication. Selectman Chase stated that it is not an exact science, and depends on the market.

Selectman Newcomb stated that the policy section of the subcommittee's report was extensive and asked what the BOS would be given. Selectman Chase stated that the BOS will be presented with a draft of the policy, as well as input from the Town Manager.

> **Motion:** Selectman McCall made a motion to approve the Tax Classification Subcommittees report as amended. Selectman Newcomb seconded the motion. Motion carried (3-0)

Selectman Newcomb reiterated that he does not agree with the final conclusion of the report and feels there are deficiencies to income evaluation and an over-reliance, but the report should be put in the hands of the Board.

> **Motion:** Selectman McCall made a motion to adjourn the Tax Classification Subcommittee at **8:10pm**. Selectman Newcomb seconded. Motion unanimously carried.

Board of Selectmen – Regular Meeting

Call to Order Board of Selectmen:
Chairman Eliopoulos called the Board of Selectman Meeting to order at 8:20pm.

In Attendance:

Philip M. Eliopoulos, Chair
William F. Dalton, Vice Chair
Michael F. McCall, Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager

Road Side Vendor-Gregory Spring:

Motion: Selectman Dalton made a motion to approve a roadside vendor license to Gregory Springs, 34 Pine Hill Rd., from December 1-Decmber 24, 2005, from 9am-9pm at Sully's Ice Cream. Selectman McCall seconded the motion. Motion unanimously carried.

Road Side Vendor-Central Congregational Church:

Motion: Selectman Dalton made a motion to approve a roadside vendor license to Central Congregational Church on 1 Worthen St at the church parking lot on North Rd from November 26-Decmber 20, 2005, from 9am-9pm. Selectman McCall seconded the motion. Motion unanimously carried.

Tax Classification Subcommittee Report:
Chairman Eliopoulos asked for a brief synopsis of changes to the Tax Subcommittees report. Selectman Chase noted a few changes were made in the editing. Selectman Chase commented on how in regards to the change of the mission statement by the Tax Classification Committee, and the change was authorized by the Town Manager. Selectman Dalton asked who the committee was reporting to and felt that the Board was not informed of the change. Selectman Chase stated that the report is reflecting that a change was communicated.

Chairman Eliopoulos stated that there would be a public hearing on November 7, 2005, and a vote following in two weeks at the November 21, 2005, Board meeting. This way the Selectmen hear input from the public and have time to digest the issues. Selectman McCall stated that this was consistent with other major policy votes by the Board. Chairman Eliopoulos also noted that it was important to get the Tax Subcommittee's report to the public before the public hearing on November 7th.

Discussion:
Selectman Newcomb made the Board aware that the subcommittee's conclusions were not unanimous, and that there are discrepancies of sales prices and assessed values. Chairman Eliopoulos asked if Selectman Newcomb felt if there were discrepancies in the Town of Chelmsford assessing, or the methodology for the state. Selectman Newcomb responded that there were discrepancies in the methodology, and that properties are selling two to three times the assessed value. Selectman Chase noted that there are some

deficiencies but that if more data could be collected, the process could be more accurate. Selectman Chase stated that the sales price is not consistent with fair market value.

Selectman Dalton stated that there are no discrepancies according to the law. Selectman Chase stated that it was a problem with the process. Selectman Dalton asked how to correct the problem. Selectman Newcomb suggested working to correct the problem, rather than saying there is no problem. Selectman Dalton stated that the Town has to abide by the law and if change is needed, it has to be done at the state level. Chairman Eliopoulos stated that is why independent parties were brought into the tax classification discussion and it was found that the Town is accurately assessing property.

Selectman McCall stated that a regional database would be useful in assessments. Selectman Chase stated that he gave the Tax Classification Committee's report and the Tax Subcommittees Report and gave it to three qualified experts and they all came back and stated that the reports were on target. Selectman Chase also stated information he could send the Board on cases he has found dealing with the income method and capitalization rates.

Selectman Newcomb wanted a commitment by the Board to keep revisiting the issue. Selectman Dalton stated that the Board has continued to look at this and will continue. Selectman Newcomb was concerned with the report stating no problem and then having it be put aside. Selectman Newcomb reiterated that there was an over-reliance on the income method. Selectman Dalton stated that when Vision relies on all three methods and that there is no assessment problem in the community. Chairman Eliopoulos stated that the reports created have good recommendations, and if the subcommittee agreed they could continue their work after the vote, including finalization of the proposed classification policy to all a vote in December.

> **Motion:** Selectman Dalton made a motion to accept the Tax Classification Subcommittees Report. Selectman McCall seconded the motion. Motion unanimously carried.

Chairman Eliopoulos thanked Selectman Chase for putting the subcommittee report together.

Selectman Referrals:

Selectman Dalton made the following referrals:

1. Selectman Dalton referred to a Globe article on tax deferrals limit for seniors may be raised. Selectman Dalton suggested looking into this issue. Mr. Lynch stated that the Town already uses tax deferrals and maybe with changes, more people will get relief without costing the Town.
2. Selectman Dalton commented that violence and property crime rates have declined in Chelmsford. Selectman Dalton commended the police department.
3. Selectman Dalton stated that he and other Selectmen attended that the Board accepted a check from the Westland School for $1,074 and will have a presentation at the next meeting.

Selectman McCall made the following referrals:

1. Selectman McCall stated that the Community Preservation Committee was thinking about an Open Space Master Plan creating a long term plan. Mr. Lynch stated that the Town has an Open Space Plan and that there is a difference between an Open Space Plan and a Land Development Plan.
2. Selectman McCall mentioned he has received calls regarding the cell tower behind the East Fire Station. Selectman Dalton stated that it was discussed that the tower would be as far away from the building as possible. Selectman McCall stated that the picture shown at Town Meeting wasn't clear enough.

Chairman Eliopoulos gave the following referrals:

1. Chairman Eliopoulos discussed his attendance at the MMA Economic Summit along with Selectman Chase and Mr. Lynch. Chairman Eliopoulos asked for time on the next meeting's agenda to discuss what happened at the meeting.

Motion: Chairman Eliopoulos made a motion to adjourn at **9:25pm**. Selectman McCall seconded. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

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TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, November 7, 2005
Senior Center, Groton Road

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager

7:03pm
Recognition: Firefighters of the Year:
Selectman Dalton presented John Kivlan with recognition for his Massachusetts Firefighter of the Year award for his bravery in a fire on October 11, 2004, where he rescued an elderly woman. Mr. Kivlan was also honored by the state for his efforts.

Selectman Dalton recognized Captain James Durkin, Gary Ryan, Donnie Peterson, and Michael Young for their award of valor for their efforts on June 18, 2005. Bill Bennet also received an award but was not present to receive it. All of the prior firefighters received their awards for bravery on October 28, 2005.

Westland School-Katrina Fund:
Chairman Eliopoulos commented on a fundraiser the Westland students held to raise money for the Katrina Fund called Pennies for Chores. The students raised $1,074. Chairman Eliopoulos thanked the students of the Westland School for their efforts.

Proclamation of Veteran's Day:
Selectman Chase read into the record that on Thursday, November 11, 2005, the Town recognizes that day as Veteran's Day. The proclamation was signed by the Board of Selectmen, Town Manager and Town Clerk.

Regina Jackson addressed the Board and requested that the public come to Veteran's Park on Friday, November 11, 2005, at 11:00am to observe Veteran's Day.

Open Session:
1. Mary Frantz addressed the Board to discuss the legislative redistricting process, and The Fair Districts Initiative petition. Ms. Frantz stated that every ten years after the census is conducted, the state redraws the electoral districts for state representatives, state senators. Currently this process is done by state legislators, which causes concern because they can draw incumbent-safe districts. Communities, under the current system, are becoming fractured and minorities are becoming disenfranchised, leaving little electoral competition. Ms. Frantz stated that there is no public input that goes into the redistricting process.

Ms. Frantz stated that the Fair Districts Initiative proposes that the redistricting be conducted without racial and political bias, and should keep communities together. Ms. Frantz added that the process should be open to public input to make it fair. Ms. Frantz hoped to change the process through the petition through organizations such as Common Cause.

The petition is a proposal for a constitutional amendment that would change the process and take redistricting out of the hands of the legislature and into a non-partisan independent committee comprised of seven appointed members. The petition needs 100,000 signatures, and then needs to be voted on by 25% of the legislature to get on the ballot in 2008. The information can be attained at www.massfairdistricts.org or www.commoncause.org. The petitions are due November 18, 2005, and Mary Tiano of 1 Spruce Street is collecting petitions. Petitions can be dropped off at Ms. Tiano's house up until November 18th. Chairman Eliopoulos urged all residents to sign the petition, including the Board of Selectmen.

2. Bill Askenburg, a representative of Chelmsford Cares stated that over the past two months the project has worked with ten families and raised over $10,000 in donations. Mr. Askenburg commented on how 100 volunteers have helped the project. There will be a fundraiser on November 20, 2005, at the Senior Center. The Hearts and Crafts Fair will have local artisans and all proceeds will go to the Katrina Fund.

Application for a One-Day Alcohol License Camp Paul Auction:

Lisa Olenic, the newly hired Executive Director of Camp Paul requested a one-day all alcohol license on November 19, 2005, at the Senior Center, from 6pm-11pm; this is an annual event. Ms. Olenic stated that tickets will be sold at the door as well as on the Camp Paul website

Motion: Selectman Dalton made a motion to approve a one day all alcohol license to Camp Paul on November 19, 2005, from 6pm-11pm at the Senior Center. Selectman McCall seconded the motion. Motion unanimously carried.

One Day Extension of Hours-Country Club II:

Motion: Selectman Dalton made a motion to approve the one day extension of hours from 1am to 2am on November 23, 2005. Selectman McCall seconded the motion. Motion unanimously carried.

Application for a Common Victualer License-India Palace:

Sajal Latka managing member of India Palace, which has two branches in New Hampshire, requested a common Victualer license. Chairman Eliopoulos asked if Mr. Latka's home address was 5 Casey Circle; it was. Chairman Eliopoulos also asked why there was a break in hours from 5:00pm-5:30pm. Chairman Eliopoulos informed Mr. Latka that he may close and does not need to request a break in the hours. Mr. Latka stated that the break had to do with his chefs and their work visas. Mr. Lynch stated that the Board of Health has signed off on this request but the building inspector has not. Mr.

Lynch also asked if Mr. Latka planned on getting an alcohol license. Mr. Latka stated that he was waiting to get the license for alcohol.

Motion: Selectman Dalton made a motion to approve the common Victualer license to Talwar & Latka LLC for India Palace with hours of operation Monday –Thursday 11:30-9:30, Saturday 11:30-10:30 and Sunday 11:30am-9:30pm; subject to the building inspector's approval. Selectman McCall seconded the motion. Motion unanimously carried.

Mr. Latka stated that he would like to donate $500 to the Town's Katrina Fund.

Application for a Change of Manager-Elks Lodge:

Pamela Shea, resident-32 Billerica Rd. requested a change of manager for the Elks Lodge. Chairman Eliopoulos stated that the change of manager would also be on the liquor license.

Motion: Selectman Dalton made a motion to approve the change of manager for the Elks Lodge number 2310 on 300 Littleton Rd., to Pamela Shea. Selectman McCall seconded the motion. Motion unanimously carried.

Chelmsford Hockey Association-Christmas Tree Sale:

Mr. Lynch stated that he received information shortly before the meeting regarding the Hockey Association selling trees on Town property. Selectman McCall asked if town land had been used in the past for this type of event. Mr. Lynch stated that youth groups like the little league have used town owned property in the past. Mr. Lynch added that there were no liability issues.

Motion: Selectman Dalton made a motion to approve the permit to sell trees by the Hockey Association from November 23-December 23 at the corners of Chelmsford and Wilson Street. Selectman McCall seconded the motion. Motion unanimously carried.

Snow Removal Report; Jim Pearson, DPW Director:

Mr. Pearson displayed the snow/ice sanding map for the town and stated that sanding starts when there is one inch on the ground. Mr. Pearson informed the Board that new trucks have been purchased by the Town and that South Chelmsford was cut into two new routes. Mr. Pearson also commented on a new treatment for the roads that lowers the freezing temperature. If the treatment works well, use may be expanded. Mr. Pearson wanted to remind the public of the no parking ban during snow emergencies and hopes to step up enforcement. Mr. Pearson stated he was working with the schools for plowing of the school sidewalks, which is done after plowing of the roads.

Chairman Eliopoulos asked if the Town had the enough private snow plows for the upcoming season. Mr. Pearson replied that there would be enough plows. Chairman Eliopoulos asked who officially calls off school. Mr. Pearson stated it is the superintendent who officially calls off school but Mr. Pearson is involved with the decision process.

Selectman Dalton asked what the final snow budget was for the Town. Mr. Pearson replied that it was 1.5 million dollars. Mr. Lynch stated that the budget was low and he is

trying to increase appropriations. Mr. Lynch reminded the Board that the Town saved money in salt for the upcoming season.

Tax Classification Hearing:

Chairman Eliopoulos reminded the audience that this was a public hearing and the vote by the Board on classification would be held in two weeks on November 21, 2005.

Frank Reen, town assessor, stated that there were some items from the Tax Classification Committee and Subcommittee he wanted to discuss.

1. There were 350 residential single family homes sold last year and the ratio found for these homes was at 84, which is below the DOR standard of 90-110. The final ratio was a 92 for residential homes.
2. There were 250 condominium home sales.
3. The Income/Expense forms are sent out every year in January and just 700 forms are mailed. Mr. Reen stated that there is an average of 40% response rate. Chairman Eliopoulos asked if there was anything the Board could do to increase response rates, such as a letter from the Selectmen. Mr. Reen stated that it could not hurt to attach a letter from the Board. Mr. Reen commented on how he is working together with other communities to establish a database of sales and income information. Selectman Newcomb asked if there was a penalty for those who did not respond. Mr. Reen stated that there is a $50 penalty that is not enforced and to change this needs required action by the legislature. The response this year was at 35%. Chairman Eliopoulos asked if Mr. Reen could provide the Board with a list of those who have and have not complied with the forms on a quarterly basis. Mr. Reen stated that after sixty days another letter would go out to those who have not responded.

   Selectman Dalton asked what the ratio would have been if Mr. Reen was not conservative on his estimates. Mr. Reen stated that there would have been a greater disparity in the subgroups as well as the classes and keeping the ratio at 92 satisfied two things:
   a. It kept the subgroups cohesive and in tight groups.
   b. Mr. Reen explained he kept the ratio low in anticipation of a slowing down in the market.
4. Mr. Reen explained that the COD was the average deviation from the norm. Mr. Reen stated that this is used when there are properties well below and above the assessed value. Mr. Reen stated that when a median number is attained then the land and other variables are used to make an adjustment. Mr. Reen stated that the average single family home was set for a ratio of 92.
5. Commercial sales, which numbered eight, started at a 76 ratio and after adjustments were made ended at a 91. Mr. Reen stated that certification is pending DOR review and approval.
6. Seven industrial properties were sold starting at a ratio of 98 and ending with a 91. Mr. Reen stated that this was based on only three sales.
7. Mr. Reen stated that 250 condominiums sold and the ratio started as an 87 and ended at a 94.

8. Abatements:
    a. Mr. Reen stated that 48 residential single family homes were abated and 122 applied and the total value of abatements was $21,000.
    b. Two-Family homes 2 were abated and 5 applied with a value of $1300. Mr. Reen noted that of the 90% that apply there are physical visits to the site.
    c. Vacant property, 4 were abated and 8 applied with a value of $1570.
    d. Commercial property, 5 were abated and 8 applied with a value of just under $54,000.
    e. Industrial property, 7 were abated and 11 applied with a value of $39,000
    f. Condominiums 7 were abated with a value of $3200.

Chairman Eliopoulos asked for information on the past five years on the value of abatements. Selectman Newcomb asked if other communities were seeing the same number of abatement requests. Mr. Reen speculated that Chelmsford was lower than other communities with abatements. Mr. Reen stated that the DOR has set a limit on the maximum split that Chelmsford can establish, which is 50%.

Selectman Newcomb asked if the shift of the value shares is due to residential appreciating faster than commercial and does new growth factor in to this shift. Mr. Reen stated that it factors in a little. Selectman Newcomb also asked if the commercial properties' tax burden decreases with a value shift. Mr. Reen stated that it has been in past years.

Chairman Eliopoulos asked if Mr. Reen felt that the Town is accurately assessing residential, commercial and industrial property. Mr. Reen stated that under the law, and its requirements, yes. Chairman Eliopoulos asked Mr. Reen to comment on the RFP process for outside evaluation. Mr. Reen stated that an RFP goes out and Vision, in the past has been the low bidder, and the analysis done is on income and expense.

Selectman Newcomb stated that Mr. Reen answered Chairman Eliopoulos's question by stating "under the law, property is being assessed correctly", and asked if improvements needed to be made in the law. Mr. Reen stated that it is frustrating getting good quality data and we are doing the best job possible when assessing properties. Chairman Eliopoulos thanked Mr. Reen for his time.

Chairman Eliopoulos asked for those who were in favor of a split tax rate to address to Board.

Mary Tiano, resident-1 Spruce Street commented in regards to a draft policy issued by the Tax Classification Subcommittee:

Page 18 Paragraph #7: Ms. Tiano suggested it being a report, and not a statement along with including the number of forms sent out. A dollar amount should also be included in the report.

Page 18 Paragraph #8: Ms. Tiano suggested a similar paragraph regarding personal property from above.

Page 19 Paragraph #1: Ms. Tiano suggested the providing of additional detail throughout different property classes.

Page 19 Paragraph #5: Ms. Tiano asked why the subcommittee suggests going for fair-market value. Selectman Chase stated that this paragraph should be taken out of the policy because it is redundant. Selectman Chase added that this was a draft policy.

Page 19 last paragraph: Ms. Tiano suggested issuing a letter if there is no compliance. Ms. Tiano also suggested placing the collection follow-up on another Town office. Ms. Tiano commented that if these forms are late that interest could be placed on late fees.

Steven Flynn, resident- 13 Dayton St. complimented the Tax Classification Subcommittee and its members on a well put together report. Mr. Flynn commented on the lack of response to the income/expense forms that are mailed out and suggested placing delinquent responders in the paper. Selectman Chase stated that the purpose of the data collected from the income/expense forms is to establish a market trend. Mr. Flynn stated that he was looking for fairness in the taxing of residential and commercial properties. Mr. Flynn stated that there are 112 communities that have a split tax rate

Chairman Eliopoulos requested input from those who were for keeping the tax rate at parity:

Jeff Hardy, resident-5 Maple Ave., President of Chelmsford Business Association. Mr. Hardy encouraged all residents to sign the petition for common cause. Mr. Hardy stated that classification will not benefit the Town but only be a detriment to the community. Mr. Hardy acknowledged the work of the subcommittee. Mr. Hardy recognized that the origin of classification purpose was to shift the tax burden so all properties are assessed fairly. Mr. Hardy stated that classification was not good policy and raises constitutional issues. Mr. Hardy stated that a tax shift would not help schools or other public services, but would pit one part of the community against the other. Mr. Hardy asked the Board to do what was right and put this issue to rest and focus on getting more in Chapter 70 monies and other efforts to make Chelmsford a better place to live. Mr. Hardy concluded by asking the Board to work together and to end the debate over classification.

Kevin Sullivan, resident-6 Hillside Lane stated that he relocated his business from Bedford to Chelmsford because of the fairness of the Town. He said that Bedford's tax level was a factor in his decision.

Town Manger Reports:

Mr. Lynch stated that the Town received a grant for $1,400 dollars from the Department of Environmental Protection to help adopt a by-law.

Mr. Lynch stated that he is working on closing the budget gap and the key issues are health insurance and retirement. The Town is pushing to have more ability to make changes when it comes to health insurance. Selectman McCall asked about the high claims last year and its comparison to this year. Mr. Lynch stated that last year there were considerably high amounts in claims and this year there are not as many. Mr. Lynch also commented on how the employees have moved to HMO New England so employees could be covered who live in New Hampshire.

Mr. Lynch stated that at the last meeting a question was asked about an Open Space Plan. Mr. Lynch stated that the state has approved a plan and the state is looking for information on accessibility to recreation areas. Selectman Newcomb mentioned that this was for all open space and not just Town owned land.

Mr. Lynch stated that he had been looking at new revenue sources and specifically passports. Mr. Lynch stated that the Town Clerk could no longer issue passports but other options are being looked into.

MMA Economic Conference:

Chairman Eliopoulos commented on the economic summit at the Federal Bank that he, Selectman Chase, Kerry Speidel and Mr. Lynch attended in Boston on October 18, 2005. Chairman Eliopoulos stated that the highlighted part of the conference was that the state fell short with local aid for towns. Chairman Eliopoulos added that health insurance for the state showed a 6-7% increase while towns like Chelmsford are seeing a 20-30% increase in health insurance. Chairman Eliopoulos suggested that the links be e-mailed to the Board. Chairman Eliopoulos also commented on how the state is losing population and employers, which is having an impact on business in the state. Mr. Lynch added that local services are being affected and towns have to develop new partnerships and new revenue options for communities. Selectman Chase stated that the business opportunities are not here in Massachusetts and that income rates compared to other states do not fair well. Chairman Eliopoulos concluded by stating that the lottery and Chapter 70 money was touched upon at the conference.

Town Manager Appointments:

Motion: Selectman Dalton made a motion to approve the Town Manager's appointments; Mary Jane Rainge to the Council on Aging; Eric Salerno to the Cultural Council; Richard Russo to the Chelmsford Emergency management Team; William Gerber to the Middlesex Canal Commission; and Noel Dulac to the Telecommunications Advisory Committee. Selectman McCall seconded the motion. Motion unanimously carried.

Chairman Eliopoulos asked if there was an emergency plan in place for the town because Chelmsford was not listed in a recent article of towns not prepared for emergencies. Mr. Lynch stated that a plan is in place and that there are routine trainings for Town personnel. Selectman Dalton asked if there were any doctors involved in the emergency plan. Mr. Lynch replied that there were doctors involved in the process. Chairman Eliopoulos asked for periodic updates on the emergency plan.

Approval of Minutes:

Motion: Selectman Dalton made a motion to approve the August 15, 2005, meeting minutes. Selectman McCall seconded the motion. Amended: Page 10-page 13 needs to be deleted and the extended version of the Classification discussion needs to be kept; Motion carried

Motion: Selectman Dalton made a motion to approve the September 12, 2005, meeting minutes. Selectman McCall seconded the motion. Motion carried.

Motion: Selectman Dalton made a motion to approve the October 6, 2005, joint meeting with the School Committee and Finance Committees. Selectman McCall seconded the motion. Motion carried, Selectman Newcomb abstained (4-0)

Selectman Referrals:

Selectman Dalton made the following referrals:

Selectman Dalton asked if the abatements for the Town are over and above the average. Mr. Lynch stated that the Town was over on exemptions.

Selectman Dalton was surprised the Planning Board did not require better lighting on Technology Drive. Mr. Lynch stated that he would have police go out and look at the lighting.

Selectman Dalton commented on how sidewalks on Stedman Street, was discussed at a prior meeting and asked for an update. Mr. Lynch stated that the sidewalks would cost $60,000 and it is designed for construction.

Selectman Dalton commented on how he has been notified on the progress on Meadowbrook, and was able to drive through the area.

Selectman Dalton asked what the progress on the sewer was on Burningtree Lane. Mr. Lynch stated that the Sewer Commission has made the decision to focus on other areas first.

Schedule a meeting with the Water Department to discuss issues regarding a site off of Swain Rd. Selectman Eliopoulos suggested tacking on a work session for Tax Classification to the site visit.

Selectman McCall made the following referrals:

Selectman McCall asked what the status was on the sound barrier promised by November 2005. Chairman Eliopoulos stated that the issue with the sound barrier has been approved and weather permitting it should be in by the end of the season.

Selectman Newcomb gave the following referrals:

Mr. Lynch stated that he had a meeting regarding Quigley Ave., with the police and the DPW, and residents will be notified.

Selectman Newcomb asked about paying tax bills on-line and how this was working for the Town. Ms. Speidel stated that the Town has been doing this for some time and that 5% of residents pay on-line. Ms. Speidel added that there is a $.50 cost to residents for each transaction.

The School Building Committee has bids out for projects and that subcontractor bids are due November 16th. All general contracts bids are due November 30; middle school by December 14th.

Chairman Eliopoulos gave the following referrals:

Chairman Eliopoulos asked for traffic counts on Sycamore Street.

There is a new director at Mass Highway and Chairman Eliopoulos suggested scheduling a meeting through local representatives

The joint meeting with the School and Finance Committee's was cancelled for November 16th and needs to be rescheduled.

Motion: Selectman Dalton made a motion to adjourn at **9:36pm**. Selectman McCall seconded. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, November 21, 2005
Senior Center, Groton Road

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman
Bernard Lynch, Town Manager

7:07pm
PSA:

1. Selectman Newcomb stated that there would be a Boy Scout of America sign-up at the Trinity church for boys in 1st-5th grade on Friday December 2, 2005, from 6:30-8:30pm.
2. Linda Harrington stated that the Chelmsford Holiday Prelude will be on December 4, 2005, from 4:00pm-6:00pm. Ms. Harrington thanked those who have helped this year with the festivities.

Open Session:
Doug Gordon, resident-11 Wilson Ave asked when bids come in they are approved if the bids are above the budget; specifically for the arts center under the school building project. Selectman Newcomb stated that bids were out for the entire project, and if bids come in over budget they will not be approved. Selectman Newcomb added that the 31 million dollars approved items under it are being adjusted due to escalating costs. Mr. Gordon asked about the roof project and where the money comes from to do the work. Selectman Newcomb stated that supplemental work is funded through the capital planning budget, which included the roof. Mr. Gordon asked if the auditorium makes sense right now due to the current fiscal situation. Selectman Newcomb responded that the Town voted to do the project. Mr. Gordon stated that he has written a letter to the Inspector Generals Office citing fraud and abuse. Mr. Gordon added that there are no budget numbers on the school building committees web page and wanted an audit done on the project. Mr. Lynch stated that an audit may be conducted at the end of the project and would like a copy of the letter sent to the Inspector General's office.

Approval of Minutes:

Motion: Selectman Dalton made a motion to approve the October 12, 2005, meeting minutes. Selectman McCall seconded the motion. Motion carried with Selectman Newcomb abstaining.

Town Manager's Reports:

1. Mr. Lynch projected a 3.9 million dollar deficit and how it will be very difficult to keep the level of service in Town and cuts may need to be made in programs. Mr. Lynch mentioned the joint meeting on November 29, 2005, of the Finance and

School Committee, along with the Selectmen. At the joint meeting, ideas will be discussed to create more revenue for the Town.

2. Mr. Lynch commented that he received two letters of retirement from Police Chief McCusker and Marty Walsh, Director of Elder Services and Veteran's. Mr. McCusker will retire on March 1 and Mr. Lynch stated he started the process to fill the position. Mr. Walsh will retire on March 17th and a search as begun for his replacement as well.

Town Manager's Appointments:

Mr. Lynch stated that two appointments needed to be made for the Board of Assessors and that Kevin Sullivan was an attorney in Town and would make an excellent addition. Mr. Lynch recommended Jack Duffut who has worked on the Tax Classification and is anxious to get to work. Selectman Newcomb asked if these appointments were three year terms. Mr. Lynch stated that these were three year terms

Motion: Selectman Dalton made a motion to approve Kevin Sullivan and John Duffut to the Board of Assessors. Selectman McCall seconded the motion. Motion unanimously carried.

Bid Awards:

Mr. Lynch stated that this pumper truck would serve Engine 4 in East Chelmsford and will be paid for out of the capital budget. Mr. Lynch noted that an engine has a 20-25 year life and this purchase is part of the equipment replacement program. Mr. Lynch explained that the funding from the capital budget is borrowed money over a ten year period, which will be paid off over time.

Motion: Selectman Dalton made a motion to approve a pumper truck contract bid to Smeal Fire Apparatus for $242,751. Selectman McCall seconded the motion. Motion unanimously carried.

Application for a One-Day Beer and Wine License:

Linda Harrington stated that this was for December 2nd Festival of the Trees from 7:00pm-10:00pm at the Old Town Hall. Selectman Dalton pointed out that the application was incorrect stating an 11:00pm end to the event.

Motion: Selectman Dalton made a motion to approve the one day beer and wine license for December 2, 2005, to the Garden Club, 7:00pm-11:00pm. Selectman McCall seconded the motion. Motion unanimously carried.

Selectman Dalton had asked at a prior meeting to have the TIPS certification on the application. MR. Lynch stated that this was an older application that had already been sent out.

Street Name Clarification: Cove Street, Bradford Street, Livery Road, and Purcell Drive:

Mr. Lynch explained that a letter was received from the Town Clerk requesting that street names be changed where the word "extension" was added, i.e. Cove Extension. Mr. Lynch informed the Board that they could change the names of the street by just removing the word "extension". Calls from these streets are starting to become a

problem. Mr. Lynch stated that he would follow-up on other street signs in town with the word extension on them.

Motion: Selectman Dalton made a motion to strike the word extension for; Cove Street, Bradford Street, Livery Road, and Purcell Drive. Selectman McCall seconded the motion. Motion unanimously carried.

Application for a Change of Manager-Bertucci's:

Steve Thorton asked the Board for a Change of Manager to Kevin Pasieka.

Motion: Selectman Dalton made a motion to approve the change of manager to Kevin Pasieka at Bertucci's on Littleton Road. Selectman McCall seconded the motion. Motion unanimously carried.

Tax Classification Vote:

Mr. Reen asked the Board if there were any questions before the vote was made. Selectman Newcomb asked if it were possible to send a fine to those who did not respond to the initial mailing of the income/expense form. Mr. Reen commented that another mailing could be sent. Selectman Newcomb stated that he would like to see something done with commercial assessments because it was pointed out by DOR that these assessments were low. Chairman Eliopoulos stated that these were only in extreme cases and that 80-90% of properties are assessed properly. Selectman Newcomb stated that Mr. Reen has acknowledged limitations with assessments. Selectman Chase stated that there are also limitations in the market approach and pointed out that the system is not perfect. Selectman Chase noted that the subcommittee will be kept in place and will continue to develop policy. Selectman McCall stated that classification was put in place as a tool to ease the burden on residents that resulted when the state went to a full and fair cash valuation system. Selectman McCall stated that this would not create additional revenue for the town and did not agree with classification. Selectman McCall added that classification was used for political purposes but the Board should continue to look at the legislative issues. Selectman McCall agreed with the recommendations made by the tax classification and sub committees for collecting data. Chairman Eliopoulos stated that a lot of work has gone into this issue and supported the rate at parity.

Motion: Selectman Dalton made a motion to stay at a unified tax rate. Selectman McCall seconded the motion. Motion carried with Selectman Newcomb voting no (4-1).

Kennel Fees:

Motion: Selectman Dalton made a motion that the BOS approve the Town Clerk's recommendation to change the kennel fees: 5 dogs or fewer $75; over 6 dogs not over 10 dogs $150; over 11 dogs not over 25 dogs $200. Selectman McCall seconded the motion. Motion carried

Vacate Decree of Foreclosure: 20 Janet Rd.

Mr. Lynch asked the Board to approve the redemption of this particular property. Ms. Speidel stated that they received a call from the mortgage broker who indicated that the owner does not want to release a check unless the Board approved the motion she gave to the Board.

Motion: Selectman Dalton made a motion to vacate the foreclosure decree for 20 Janet Road, map 120, Lot 446, Block 24, subject to receipt, in certified funds no later than the close of business on December 1, 2005, of

Tax title	$14,255.85
Land Court Fees	$ 686.00
Legal Fees	$1,095.00
Redemption Fees	$75.00

For a total of November 16, 2005 of $16,111.85, with a per diem of $5.33. Additionally, FY 2006 taxes as of November 16, 2005, in the amount of $1,958.58, with a per diem of $0.73, must also be paid. Selectman McCall seconded the motion. Motion unanimously carried.

FY06 Goals Status:
Mr. Lynch stated that he would go into a greater explanation of the goals for FY06, along with the current progress.

Goal 1- Fiscal Stability:
Mr. Lynch stated that this was a balance between the revenue and the expenditures and all of the Town departments have sent in their draft budgets. Mr. Lynch commented on how the Town is looking for a new auditing firm. Mr. Lynch noted that the Town has new software, which will be a more efficient way to track new growth. Mr. Lynch commented on the continuous effort to collect state-aid. Mr. Lynch stated that the tax exemptions were complete and will provide tax relief for residents.

Chairman Eliopoulos asked when the Board will get the draft budget. Mr. Lynch stated that the Board should be receiving the draft budget by January. Selectman Dalton asked about the possibility of advertising the Town of Chelmsford. Mr. Lynch stated that it's something being worked on. Chairman Eliopoulos suggested inviting the state representatives back in for another meeting. Mr. Lynch recommended the January 9th meeting, prior to the state budget is submitted to the house. Selectman Newcomb suggested informing the representatives about the key issues the Board wishes to discuss.

Goal 2- Manage Town Growth:
Mr. Lynch stated that there is continuous support for a North Chelmsford train station. Mr. Lynch mentioned a letter of support to the delegation and how Cory Atkins has supported the issue. Mr. Lynch stated that the poles in the center will be worked on in the spring and will take 3-4 years to complete the project because of the digging and making connections underground. Mr. Lynch mentioned the Vinal Square committee and the Planning Board should meet to discuss planning.

Mr. Lynch commented on how the web page is being worked on to incorporate advertising of the Town. Selectman Dalton suggested telcmedia commercials pitching the community. Selectman Dalton also suggested 1-2 times a year has professional advertisements. Mr. Lynch stated that buying time is expensive but it can be looked into.

Selectman McCall suggested having information about Chelmsford when particular exposes are conducted across the country. Chairman Eliopoulos added that there are things in Town that can be promoted.

Mr. Lynch stated that the Master Plan has been approved by the State and Mr. Sheehan will be at one of the December meetings to discuss this issue. Selectman Newcomb suggested having a count of the affordable housing in Chelmsford; after the property on Technology Ave. is decided.

Goal 3 Enhance Government Structure:
Mr. Lynch commented on the Charter Review committee how a report is due in January. A succession plan is also being looked into and examples are being gathered from other communities. Quarterly development reports are being designed and the web page is working on tracking residents complaints and a presentation will be made at an upcoming meeting. Mr. Lynch commented on improvements to the web page. Selectman Dalton asked who does the pages currently. Mr. Lynch stated that each department was responsible for content. A new copier has been in place to cut down on paper use. Mr. Lynch stated that on December 1, 2005, there will be a meeting with Town Managers from Billerica, Dracut, Westford, Tyngsboro and Tewksbury.

Goal 4 Improve Public Infrastructure:
Mr. Lynch mentioned the roof track program has been completed and the roofs are in good shape. Mr. Lynch noted work to move the signal box in Chelmsford Center, and there is work to see what signs are no longer needed. A Pedestrian Master Plan is being worked on to increase information of all sidewalks in town. Mr. Dalton asked if we had the total linear footage of actual sidewalks put in Town. Mr. Lynch stated that he would get that information to the Board. The bike path is a continuous effort. Selectman Dalton asked if Elizabeth and Scientific Roads are under town control, Mr. Lynch stated that they were under town control.

Selectman Referrals:

Selectman Newcomb made the following referrals:

1. The School Building Committee is seeking a variance on the height for the auditorium. Selectman Newcomb also commented that the Board of Appeals wanted authority in deciding the color of the new building. Selectman Newcomb stated a site walk is scheduled for December 3rd. Selectman Dalton asked where on the site the auditorium would be, and Selectman Newcomb drew out the site plan.
2. Selectman Newcomb stated that he attended the Sewer Commission Meeting. Selectmen Newcomb stated that the committee explained why they have not completed the project.

Selectman McCall made the following referrals:

1. Selectman McCall stated that at the last Community Preservation Committee additional information was needed, on Red Wing Farm, from the state. Mr.

Lynch stated that his indication was that it was approved by the Mass Historical Society and three bids have been received.

2. Selectman McCall stated that he attended the Holyoke Public Meeting and testified that the Town needs more in Chapter 70 monies. Selectman McCall stated that the people at the meeting were aware of Chelmsford's situation. Selectman McCall stated that there was another meeting scheduled on November 28th in Salem.

Selectman Dalton gave the following referrals:

1. Selectman Dalton mentioned he attended the Chelmsford Cares craft fair. Chelmsford Cares will be coming to an upcoming Board meeting to give and update.
2. Selectman Dalton showed concern for the Charter Review Committee and whether or not they are target. Selectman Dalton also stated that three people addressed the Charter Committee at their public hearing session.
3. Selectman Dalton noted that there is an area at Drum Hill rotary that floods every time it rains.
4. Selectman Dalton asked about the stabilization fund, and for Mr. Lynch to explain how the town saves money using it. Mr. Lynch stated that the stabilization fund helps the Town maintain a good bond rating. Mr. Lynch stated that the Town saves money when borrowing to do Town-wide projects. Selectman McCall asked if the money put into the stabilization fund has decreased and when does it start to affect the bond rating. Mr. Lynch stated that the Town is close.

Selectman Chase gave the following referrals:

1. Selectman Chase updated the Board on the Katrina Fund and stated that it has collected $8800 dollars; and $3000 has sent directly for aid to Louisiana; and $1,000 to a local family to establish housing.

Chairman Eliopoulos gave the following referrals:

1. Chairman Eliopoulos stated that the budget process for this year will be addressed at the joint meeting with the School Committee and FinCom. At this joint meeting there will be a brainstorming session. A meeting with the committee heads with the superintendent and Town Manager is also being scheduled. Chairman Eliopoulos concluded by stating that the joint meeting will have a public input session and will be televised.
2. Chairman Eliopoulos asked for an update on the Golf Course and the Chelmsford Forum. Mr. Lynch stated that the Forum was doing well. The Golf Course was not doing as well.
3. Mr. Lynch stated that there was a meeting scheduled with the highway commission next week.

Press Questions:

1. When will the lights on golden Cove be activated? Mr. Lynch stated that the Town is waiting on Verizon because there is work they need to do before the lights are activated.

2. Can you elaborate on service restriction with the budget shortfall? Mr. Lynch stated that the Town is trying to tighten up the gap and is working with the employees over health insurance. Mr. Lynch stated that a larger copay for employees will save the town money but will not receive a quote until late January.

Motion: Selectman Dalton made a motion to adjourn at **9:35pm**. Selectman McCall seconded. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN Joint Meeting with the School and Finance Committees
Tuesday, November 29, 2005
Senior Center, Groton Road

Attending Board of Selectmen:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman
Bernard Lynch, Town Manager
Kerry Speidel, Finance Director

Attending School Committee:
Dwight Hayward, Angelo Taranto, Kevin Porter, Evelyn Thoren, Kathy Duffett, and Tom Mills, Dr. Moser, School Superintendent, Bob Cruickshank, Business Office Manger, Bruce Forrester, MIS Director

Attending Finance Committee:
Jon Kurland, Mary Frantz, William D Fulton, David Turocy, Dwight Hayward, Derek Donegan

7:20 pm
Opening Comments:
Chairman Eliopoulos, Chair of Board of Selectmen:
Chairman Eliopoulos welcomed the School and Finance Committees and asked for a moment of silence for Lucy Simonian who passed away. Chairman Eliopoulos stated that this meeting was to present options to close the current budget gap. Chairman Eliopoulos encouraged the group to think about all kinds of options, and to not start with an override. After the options are listed the committees will have time to think about each one and then to discuss them at the next joint meeting. Chairman Eliopoulos thanked those who were at the table and also mentioned that there would be time for public input at the end of the meeting.

Evelyn Thoren, Chair of the School Committee
Ms Thoren thanked the public for their attendance at the meeting, and asked those who were listening to understand that the School Committee has a large task ahead of it. Ms. Thoren reiterated Chairman Eliopoulos comments that the purpose of the meeting was to discuss strategies to address the budget shortfall. Ms. Thoren stated that the School Committee is accountable to the parents and children to provide education (K-12), and that this is not just an elementary school problem but a town wide problem. Ms. Thoren stated that by working together the Town can maintain excellence in the schools.

Jon Kurland, Chair of the Finance Committee (FinCom)
Mr. Kurland stated that FinCom provides oversight to the Town Manager and other Town departments on the town budget. Mr. Kurland stated that the budget was a six month

process and the budget gets clearer when final numbers are given from the state in January.

2005 JAN 24 PM 2:21

Bernie Lynch, Town Manager

Mr. Lynch stated that the budget gap would not be solved overnight, but that it is a constant process. Mr. Lynch explained that the Town Charter gives the responsibility of the preparation of the Town budget to the Town Manager.

Mr. Lynch stated that he has projected over one million dollars in new growth. Local receipt revenues such as the excise tax do not vary much from year to year. Mr. Lynch continued that the budget should not be built around one time monies but certain available recurring funds are used to fund operations and a planned use of the stabilization fund helps offset debt service costs. State Aid is generally the most unknown but there has been little growth in these accounts, especially with the capping of the Lottery and minimal Chapter 70 increases.

Mr. Lynch stated that the growth of local funds for the school department has been at the same level or more as the remainder of the Town's operating departments. Mr. Lynch stated that at the time of the formula being developed it was not expected that Chapter 70 money would be reduced. To fill this gap the Town has for several years provided portions of funds that had been targeted for non-school departments or used some one time money. Mr. Lynch presented the formula for how the town gets the available funds for appropriation.

Mr. Lynch stated that there was a joint meeting in June and in October with the Board of Selectmen, the School Committee and FinCom. He went on to say that since the last meeting there have been some changes. Ms. Duffett asked for copies from Mr. Lynch on his presentation. Mr. Lynch explained that with the fixed costs and revenues there is a deficit of over $4 million dollars. Mr. Lynch stated that the police/fire have not settled their collective bargaining. Mr. Lynch stated that state aid was essentially flat and still below 2002 levels and that the Chapter 70 formula is unequal. Mr. Lynch also mentioned the lottery money being capped by the state. Health Insurance and Retirement have also increased. Mr. Lynch noted that all employees who work 20 hours per week are eligible for health insurance. Mr. Lynch added that the insurance was part of the collective bargaining process with the town employees.

Dr. Moser, School Superintendent

Dr. Moser expressed the desire to hear from the community on the current shortfall within the Town. Dr. Moser stated that he and the School Committee have analyzed programs, and the consequences of options dealing with the budget shortfall. At the last joint meeting Dr. Moser and the School Committee were charged with finding documentation to inform the boards on benchmarks; comparing them to other towns. Dr. Moser also researched benchmarking from the Department of Revenue and the State Department of Education; noting that all of the information can be found on-line. Dr. Moser explained that communities were chosen in relevance to size comparable to Chelmsford. Communities chosen were Andover, Billerica, Braintree, Brookline, Dracut,

Franklin, Lexington, Shrewsbury, Tewksbury, Tyngsboro and Westford. Dr. Moser presented a chart comparing per pupil Chapter 70 reimbursements. Chelmsford for FY05 had a $1,151 per pupil reimbursement while towns such as Billerica had a $1,946 Chapter 70 reimbursement. Dr. Moser commented that equity is needed at the state level. Dr. Moser stated that the information given in the packet was organized into four basic categories; Budget, Characteristics, MCAS results, and Chapter 70 information. Dr. Moser stated that copies can be received through his secretary. Dr. Moser explained that since the last joint meeting he has researched information that gives descriptions of who the schools are and what they do. Dr. Moser added that he also listed out the impact on the school department when the budget is altered by a considerable sum.

Dr. Moser stated that every department has been gone through and asked administrators of each department to provide input on their budget, and asked what is accomplished in each department. Dr. Moser provided in the packet a school budget using one elementary school to show how it is organized. Departments were asked how they help the town meet its mission of the public schools, and asked for the essential programs in each department. Dr. Moser also included how the schools have improved over the past decade.

Dr. Moser was concerned with the goals of the future and how they could change dramatically. Dr. Moser stated that the school department can not keep going at the same rate of improvement without the basic infrastructure of its programs, including salary levels. Dr. Moser expressed concern with keeping good teachers in the schools by keeping an attractive salary. Descriptions of state and federal grants were also included in the packet. On the summary page it gives a more updated review of the two strategies on the table. Dr. Moser cautioned again the importance of looking at the consequences of changes being recommended.

Mr. Lynch follow-up:
Mr. Lynch commented on a study done by the Municipal Benchmarking Company that illustrates how the town is operating in a lean mode, and is spending less than other communities and still getting results. Mr. Lynch listed off the communities that were compared in the study and stated that he will get copies to the three boards as well as the public. Mr. Lynch noted the success of the budget documents that have been used by the Town for the past ten years and was encouraged that the School Department was now developing similar information

Mr. Lynch discussed the options to reduce the budget gap. Options identified were Revenue Enhancements, Increase in Efficiencies, Service Reduction and Benefit Modification. Revenue Enhancements discussed were bus fees, and an increase in town fees. Mr. Lynch added that state aid has not been determined.

Mr. Lynch took time to discuss the stabilization fund and how it is used in the town. Mr. Lynch explained that money is taken out, and put into the stabilization fund each year. The Bond rating is also directly related to the stabilization fund. Since 1993 the Town has borrowed $83 million and has saved $1.13-2.27 million in interest as a result of the

Bond rating. Mr. Lynch discussed a possible consolidation of the treasurer's-collection office into the assessor's office and to consolidate school and non-school functions. Mr. Lynch stated that he is working with employees on benefits that could save the town close to ½ million dollars. Mr. Lynch concluded that reductions might need to be made across the board making layoffs in the non-school operating departments possible.

Open Session

Chairman Eliopoulos stated that this would be a brainstorming session and all ideas are welcome.

1. Chairman Eliopoulos suggested continuing to fund one time retirement and cost through free cash (cost for salaries).
2. Mr. Kurland suggested having stronger enforcement on delinquent taxes and maybe to publish delinquent names in the paper. Mr. Lynch stated that the Town is less than 1% delinquent, and names are published. Mr. Lynch added that 14%-16% interest is added to those tax bills.
3. Ms. Duffett asked Mr. Lynch about increase to the co-pay for town employees and asked how this worked. Mr. Lynch stated that this increase needs union approval. Ms. Duffett also asked about whether fitness clubs were included under the current insurance. Mr. Lynch stated he would double check.
4. Ms. Frantz suggested reducing the number of fire stations in the Town.
5. Selectman Dalton suggested that all positions should be looked at from the top down.
6. Ms. Thoren suggested a public safety director to consolidate police/fire.
7. Ms. Thoren suggested an in house ambulance service.
8. Ms. Thoren suggested an increase in bus fees, activity fees, athletic fees and parking.
9. Ms. Thoren suggested fundraising for the schools.
10. Chairman Eliopoulos suggested having voluntary donations from residents to the schools.
11. Selectman Chase suggested exploring regionalizing in areas where practical.
12. Ms. Duffett suggested having collaborative purchases with other towns.
13. Selectman McCall suggested sharing equipment and the donation of equipment with other communities. Selectman McCall suggested paperless transactions to eliminate redundancy.
14. Selectman McCall suggested increasing Town fees.
15. Selectman McCall suggested energy cost savings, and to look at things such things as the kinds of light bulbs used. Selectman McCall also suggested relying on technology and to do better with recycling in town.
16. Selectman McCall suggested job sharing spaces and offering early exits.
17. Chairman Eliopoulos suggested the selling of Town land not utilized or under utilized.
18. Selectman Newcomb noticed some town offices thermostats being too high, and suggested looking into this area of savings.

19. Selectman Newcomb suggested looking into energy grants and sited new windows in the middle school as an example of helping with lowering heating bills. Selectman Newcomb also mentioned needing to improve recycling in town.

Selectman Newcomb mentioned working with the maintenance director, and how consolidation has worked out well. Ms. Thoren stated that consolidating does not necessarily mean saving money. There is no bottom line on the program yet. Ms. Thoren stated that a discussion needs to happen to find out what, under MA law what can be legally consolidated. Ms. Thoren stated that consolidation is not a simple issue and that maintenance was the easiest to consolidate. Selectmen Newcomb stated that the maintenance director has been a benefit to the Town because the maintenance director oversees all of the buildings in town. Dr. Moser commented on the importance of being specific and determining that that there is a common understanding of job descriptions.

20. Mr. Taranto suggested looking in Smart Growth monies. Mr. Lynch stated that there was a new law tied into affordable housing, and it is something the Planning Board is working on. Mr. Lynch added that there is a lot of redundancy and the town is already working on ways to address this to make the town run more efficiently.
21. Selectman Chase suggested outsourcing opportunities for the town.
22. Selectman McCall suggested that the state needs to be continually challenged on issues. Selectman McCall identified Chapter 70 money as a major issue in the town and the town needs to ask for changes. Ms. Thoren stated that the School Committee is lobbying through the MA School Committee about Chapter 70 funding.
23. Chairman Eliopoulos stated that the lottery money needs to be uncapped bringing more money to Chelmsford. Mr. Lynch stated that through the MMA efforts are being made to get the lottery money uncapped.
24. Chairman Eliopoulos suggested challenging the delegation by writing letter, e-mailing and calling state representatives. Selectman Dalton was concerned with negative comments about the state representatives, and stated that he did not support the break-up of Chelmsford. Selectman Dalton stated that the money has to be found, and it is up to the town to find it. Selectman Dalton added it was up to residents to call and lobby their state representatives to get the attention the town needs to make changes. Ms. Thoren commented on the Initiative for Local Aid, a grassroots organization organizing residents to lobby their state representatives. Ms. Thoren asked Mr. Lynch to check on the web link on the town's web page for the Initiative for Local Aid.
25. Mr. Porter noted that at the Salem meeting for Chapter 70 money the town of Peabody was advocating on behalf of Chelmsford. Selectman Chase stated that his conversation with a state representative concluded that by making the Chapter 70 money equitable it involves taking money away from other towns. Selectman Chase suggested collaborating with other towns that are also under funded.

26. Chairman Eliopoulos suggested looking at Curriculum Coordinators. Dr. Moser stated that the town has always had Curriculum Coordinators and with them an improvement of MCAS scores has been seen.
27. New Legislation: Mr. Kurland asked if there was a way to improve the operation of the Middlesex Retirement. Mr. Lynch stated that it would need to go through the legislature.

Chairman Eliopoulos stated that if there are any more ideas to please email the Town Manager. Ms. Duffett asked what the Bond rating of Tewksbury was. Mr. Lynch was not sure of the Bond Rating in Tewksbury, but mentioned towns like North Andover which are having similar problems to Chelmsford. Selectman Newcomb suggested coming up with action items for the options listed out by the boards. Chairman Eliopoulos suggested having a meeting with the chairpersons of the boards along with the Town Manager and the Superintendent. Mr. Porter urged the three boards to press forward quickly because the clock was ticking, and decisions needed to be made.

Public Input:
Chairman Eliopoulos expressed his willingness to hear suggestions, options and questions from the public.

1. Bob Hall, 186 Robin Hill Road, commented on how Curriculum Coordinators were present in town since the 1970's and asked the group to consider the effect on the system if they were eliminated. Mr. Hall also asked why there were no state representatives present at the meeting. Chairman Eliopoulos stated that the state representatives were invited to the meeting. Ms. Thoren asked how many years Mr. Hall was on the school committee in the 1970's. Mr. Hall stated that he was on the School Committee for six years.

2. Carol Kelly-Suleski, 8 Buttercup Lane, commented on how the lottery money was advertised to go back to the towns, and asked how the state could get away with not giving the towns any money. Mr. Lynch stated that there is no legal requirement that the state give towns the lottery money. Mr. Lynch noted that the purpose of the lottery was intended to give back to the communities and it has always gone to town until times are rough; then it is capped. Ms. Suleski asked who she could contact, and Mr. Lynch replied that she could contact her state legislators.

   Ms. Suleski asked how much money has been saved by the maintenance program. Mr. Lynch replied that there is no final number yet but the town has seen benefit from the program. Ms. Suleski also commented on the Imitative for Local Aid and what a good program it was for the town. Ms. Suleski noted that there was a meeting on December 1, 2005, in Marlboro at 4:30 for those who wish to testify to state representatives to explain the problem with Chapter 70 funding.

3. Carl Westervelt, 34 Abbot Lane, stated that he appreciated all of the hard work to get this issue resolved. Mr. Westervelt suggested possible legal action against the

state for the inequity in Chapter 70 money. Mr. Westervellt stated that the education issue needs to be resolved by April 1, 2006.

4. Doug Gordon, 11 Wilson Lane, stated that the school building committee project has 31 million dollars and suggested going on Chelm/Web to find out about the issue.

5. Zach Untracht, 9 Frank Street, presented a power point presentation on a third option he and others had identified to close the budget gap. Mr. Untracht stated that the goals were to balance the budget, maintain student teacher ratios, avoid closing any schools, and mitigate future budget shortfalls and to avoid asking Chelmsford taxpayers for additional funds.

Mr. Untracht stated that the mission he and others have identified was to maintain a high standard of education. Mr. Untracht identified from the budget the core and non-core elements of the town. Mr. Untracht defined the core component having direct impact on the mission and the non-core does not have a direct impact, i.e. accounting and human resources.

Mr. Untracht stated that the accounting process was analyzed and found all checks and invoices are processed through the town and there seems to be a duplication of efforts. Mr. Untracht suggested consolidating these efforts and acknowledged that the town and schools run differently. Ms. Thoren expressed concern with the legality of what can be consolidated under MA law. Mr. Untracht stressed that this was a starting point in the conversation.

Mr. Untracht displayed a chart showing the suggested school reduction and the saving to the town. Mr. Untracht showed a $1,400,000 savings through consolidating. Ms. Thoren asked what was meant by principal proposed reductions. Mr. Untracht stated that this meant that the total dollar budget the principals make the decisions on how to spend the money.

Mr. Untracht mapped out the plan for the future.

1. Part-time employees currently have access to health insurance, and this could be a potential savings.
2. Union negotiations reinvest in the school system.
3. Sell old Police station and direct the process for stabilization fund thereby reducing the central administration and retain a good bond rating.
4. IT staff be trained to be able to do repairs so people can drop off computer to be repaired at the town offices creating more revenue. Mr. Untracht commented on how the town can use other software that is free and works just as well as Microsoft.
5. Instead of study hall for students look into on-line learning curriculum. Mr. Untracht stated that of the three options put forth, his and Dr. Moser's; there are more savings with Mr. Untracht's proposal.

Mr. Untracht presented the expectations of the parents in town as the three committees move forward.

1. Balance the FY07 budget without effecting critical programs and staff. To have the school and town work together. Mr. Untracht stated that the general perception in town is that the Town Manager and the School Superintendent do not get along.
2. All the schools stay open.
3. An action plan is developed to address and avoid future budget problems.

Ms. Duffett thanked the group for its work, and requested a copy of the presentation. Ms. Duffett also showed a 1998 audit of the CPS, which was done by a prestigious accounting firm. The report stated that Chelmsford has less administration costs per pupil. The report also gave a number of benchmarks and the good communication between the Town Manager and superintendent. Mr. Mills wanted to see all of the numbers, that were presented, and to make sure they are correct. Dr. Moser stated that the presentation gave the committee an opportunity to get concrete issues, and it also dramatically changes how the school system is managed. Dr. Moser suggested considering the possible consequences of this plan. Mr. Lynch commented on the good relationship he had with Dr. Moser, and added that their goals were the same. Mr. Lynch acknowledged that there are two different cultures but the bottom line was to bridge the budget gap. Ms. Mazza noted that the Barnstable School system was brought up as an example of consolidation, and that Barnstable's school system was falling apart and creating divisiveness in town. Ms. Karen Mazza stated that the staff needed to be in the consolidation discussion because they are the ones who would be doing the work.

6. Karen Dedonato, 4 Archibald Way, asked how many communities have consolidated and how many it has worked for. Mr. Untracht stated that there were 4 or 5 at different levels in the process and that Barnstable had a lot of issues it was dealing with and the towns it is working for the town and school administration are both on board with the process of consolidating. Ms. Dedonato stated that the 3.9 million dollar deficit was a town wide problem. Lady went to the Salem meeting to represent Chelmsford and there were only 12 people there and urged all residents to help. Ms. Dedonato commended the boards for their efforts.

7. Maria Karafelis, 26 Quigley Ave, asked if the town was looking into raising employee co- pays. Mr. Lynch stated that this would be part of the town's collective bargaining. Ms. Karafelis also asked if the school department received any money from the low income housing. Mr. Lynch stated that the school would not get money. Ms. Karafelis asked if the $31 million dollar budget for the school project was from the capital planning budget. Mr. Lynch stated that the money for the school building project was separate from the town's budget. Ms. Karafelis stated that there was no substantial savings in closing the Westland School.

8. Sharon Moser, 13 Orchard Lane, cautioned the three boards and asked that they consider the people working in the district and that some jobs on the school side are very important, even more important than they appear. Ms. Moser also expressed sympathy to those who are dealing with these complex decisions. Ms. Moser hoped that Chelmsford would continue to have a good school system

9. Mike Thompson, 10 Westland Ave., commented that he had just moved to Chelmsford. Mr. Thompson asked if the Chapter 70 money was based on the town's median income. Ms. Franz stated that proposals to change Chapter 70's formula to incorporate income, but would hurt us more than the current formula. Mr. Thompson commented that if the school is closed then class size would go up in other schools and property values could drop and is this a factor in the decision making process. Mr. Lynch stated that the history of Chapter 70 money is to hold people harmless. Mr. Thompson noted litigation in New Hampshire and asked if this was possible. Ms. Franz explained that the student population is not as much as in Westford and there was a recent settlement of a case dealing with the population and money for the schools. Mr. Thompson pointed out that as more development occurs in Chelmsford more students will come into the schools needing more services, and at the same time increasing our population.

10. Mike Silveri, 6 Clog Rd., stated that he has been through consolidations and that it needs the cooperation of everyone at the table. Mr. Silveri stated that someone needed to be held accountable.

11. Lisa Puffer, 16 Buckman Drive, asked who was in charge of all of the buildings because she has seen lights on throughout the town. Ms. Puffer suggested that this could be an energy cost savings.

12. Sheila Pichette, cautioned the boards on consolidating, and urged residents to lobby the state more. Ms. Pichette stated that residents needed to work together. Ms. Pichette stated that looking at an override needed to be an option.

13. Doug Gordon, 11 Wilson Lane, commented on the bringing in outside help to audit the building project.

Chairman Eliopoulos thanked everyone for coming and stated that the three boards would look into all the options listed.

11:05 end

Next scheduled joint meeting will be scheduled for January 2006.

Respectfully Submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, December 7, 2005
Town Offices, 50 Billerica Rd.

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman
Bernard Lynch, Town Manager

7:03pm
Open Session:

Doug Gordon, 11 Wilson Lane came forward to address the Board and community regarding the School Building Renovation project. He asked Selectman Newcomb to confirm that there was a bid opening scheduled for the following day. Selectman Newcomb responded that the Middle School general contractor bids were due and that they would likely come in at the 8 – 9 million dollar range. Mr. Gordon responded that he understood that the specifications listed an amount that was 20% less. Pat Maloney, School Building Committee Chair responded that they employed a couple of bidding strategies in the notices and specifications. He explained that if a bid comes in lower than what is published they are somewhat obligated to accept the bid. Also, they want to maintain a higher contingency given the current market conditions. Mr. Gordon went on to inquire how the roofs for the High School and the Parker School were going to be paid for. Selectman Newcomb responded that they were waiting to see if they could do them as part of the project. If not, the roofs would be funded out of the capital planning budget. The roofs were left intentionally as the last item because other interior work needed to be completed first. Mr. Gordon requested a response from Selectman Newcomb regarding a letter he had sent November 18th. Selectman Newcomb responded that he had just received the letter and reiterated an offer to sit down with Mr. Gordon and review the contents of his School Building Committee binder with Mr. Gordon.

Pat Maloney said that the budget would be presented at the next SBC meeting once all the bids were in. The final budget would be published on the website. He also mentioned that the SBC meetings were public and interested citizens were welcome to attend.

Mary Tiano, 1 Spruce St. came before the Board looking for information on how the town employee health insurance benefit plans would be selected for the upcoming fiscal year. Mr. Lynch responded that the Town would probably be going out to bid for different carriers as well as obtaining numbers from the current municipal pool, MIIA (Massachusetts Interlocal Insurance Association). The HMO co-pay is currently five dollars. The insurance advisory committee is studying the savings impact of going up to a $15 co-pay. Preliminary savings looked to be approximately 5%. He went on to say that any changes would require the unanimous approval of all bargaining units unlike private sector employers and the state. Pricing would be available by the middle of

January. The break even point for the increase to the co-pay would be felt after 11 visits to the doctor. Other avenues include looking at pretax accounts for health and child care.

Ms. Tiano went on to say that she was hearing from some people that they weren't concerned about the current fiscal condition because they felt that the Town Manager would "find the money". The Town Manager responded that he had heard similar sentiments however the fact remains that revenues aren't growing and budgets have been squeezed to the point that there isn't a lot of flexibility. Health insurance is eating up all the available revenues with an expected increase of 20-25%. The Town Manager went on to explain that this was the beginning of the budget process. The budget becomes effective July 1 for FY 07. It is presented to the Finance Committee in February for a vote in April. Good numbers are necessary to good budgeting and departmental budgets were just coming in. A joint meeting between the Finance Committee, Board of Selectmen and School Committee is scheduled to be held on January 18th.

Ms. Tiano asked about the possibility of the lottery cap being lifted. The Town Manager responded that the MMA was advocating a proposal that would uncap the Lottery

Request for a Common Victualer License: Shell Mart

The Town Manager reported that a representative from Shell Mart wasn't able to attend the meeting and recommended continuing the request until the next meeting.

Motion: Selectman Dalton made a motion to continue the request for a Common Victualer License for Shell Mart to the next meeting scheduled for December 19, 2005. Motion seconded and approved unanimously.

Application for a One-Day Alcohol License St. Vartanantz Church

Rosette Jacobsen, 190 Old River Rd., Andover came before the Board to request a One-Day All Alcohol License for St. Vartanantz Church for the purpose of hosting a New Year's Eve party. She went on to say that all members of the St. Vartanantz board had taken the training to be TIPS certified.

Motion: Selectman Dalton made a motion to approve a One Day All Alcohol license to St. Vartanantz Church, 180 Old Westford Rd. on December 31, 2005, from 8 pm-12 am at the Church. Selectman McCall seconded the motion. Motion unanimously carried.

Minutes

Selectman Dalton made a motion to approve the minutes from October 17, 19 and 24. Motion seconded. Motions approved as amended.

Motion: Selectman Dalton made a motion to approve the October 17, 2005, meeting minutes. Selectman McCall seconded the motion. Minutes approved as amended.

Motion: Selectman Dalton made a motion to approve the October 19, 2005 meeting minutes. Selectman McCall seconded the motion. Motion carried.

Motion: Selectman Dalton made a motion to approve the October 24, 2005 meeting minutes. Minutes approved as amended.

Town Manager Reports

Budget: Mr. Lynch explained that budget reports from the various departments are coming in and would be reviewed over the next couple of weeks. As such he would hold off on reporting on the budget until the following meeting.

Golf Course: The golf course management bid came back and would be awarded after a review of the proposals. Selectman Newcomb asked if the course and the function hall were separate contracts to which the Town Manager replied that the contract had always been structured in that manner and for the past few contract cycles Sterling had come in as the winning bidder for both the course and function hall.

Town Manager Contract Awards and Bids

High School: Mr. Lynch awarded the High School renovation to the low bidder TLT Construction in the amount of $13,145,700.00. Flansburgh reported that references were satisfactory.

Motion: Selectman Dalton made a motion to approve the Town Manager's contract award to TLT Construction for $13,145,700.00 to complete the High School renovation project.

Modular Classrooms:

The Town Manager reported having received two bids for the rental, installation and set up of modular classrooms. Bids were received from Resyn and William Scottsman. William Scottsman was the low bidder. References were found to be satisfactory. Selectman Newcomb explained that 4 temporary classrooms would be added. The firm would set them up and wire them to both phone, electrical and computers. The modulars should be functional by mid-January to coincide with the start of the second semester. Selectmen Dalton asked why the modulars were being rented as opposed to buying. Selectman Newcomb responded that there wasn't a long term need for them. They had been bought for the Parker School for a price of $400,000 plus site work.

Motion: Selectman Dalton made a motion to approve the Town Manager's bid award to William Scottsman for the installation of modular classrooms in the amount of $224,950.00. Motion seconded and approved unanimously.

Unscheduled Business

Discussion: Joint meeting – BOS, FinCom, School Committee – November 29, 2005

Mr. Lynch began the discussion by reporting that the Town was in the process of going through budgets and revenues. The final numbers should be coming in over the next several weeks. The Town Assessor, Frank Reen has been asked to come with figures on any new growth. As far as miscellaneous receipt are concerned there isn't much expected in the way of increases. Mr. Lynch continued that a big question continues to be how much health insurance will increase for the next year. All departmental requests were being reviewed as are salary numbers and expenditures.

Selectman Eliopoulos reported that a number of cost saving ideas were introduced at the joint meeting held November 29th. Selectman Eliopoulos suggested a work session might be a good opportunity to work through some of the ideas with a focus on budget issues. The Town Manager said that after the first of the year would be a good time as he would have met with department heads and had the opportunity to look at the numbers. Selectman McCall pointed out that there were about 30 items that had been identified at the joint meeting. Some were ideas that had been explored previously and rejected, but some perhaps needed to be readdressed. The ideas needed to be categorized and prioritized. The Board continued a discussion of some of the ideas.

Selectman Chase reported on the recent school committee meeting and said that the committee had taken the list of ideas and divided them into school, town and joint ideas and categorized them as either cost saving or revenue producing ideas. The list was then divided among the members for further consideration. Evelyn Thoren took the floor and followed up on Selectman Chase's report of the meeting. She wanted to emphasize that the two committees should be coordinating their efforts. One approach the school committee took was to list the ideas as either small or large money producing and whether they had a long term or short term expected return. The ideas were prioritized from there.

Selectman Eliopoulos suggested that the legislative delegation be invited in to the meeting the second week in January to address what could be done on a state level. He also suggested that a letter to the Governor be drafted outlining the priorities for the upcoming year. For example; lifting the lottery cap, Telecom Bill and the rail line extension.

Another joint meeting was tentatively scheduled for the second week in January with a definitive date to be determined.

Tax Policy

Selectman Eliopoulos said the Tax Policy was initially drafted by a subcommittee. The subcommittee worked with the input of the Town Manager, Finance Director and the Finance Committee to put it all together. The Board discussed some minor changes in semantics. Selectman Newcomb suggested that the Board review all policies of the Town on a regular basis to see if they were still relevant and working. He suggested a time table of a one year review after the initial adoption and every three years after that.

Motion: Selectman Dalton made a motion to adopt the Tax Policy as amended. Motion seconded, policy adopted unanimously. The Policy to read as follows:

Overview:

It is the Policy of the Town of Chelmsford to ensure that all taxpayers are taxed equitably and as required by law. The Board of Selectmen (Board) shall establish appropriate methods and procedures to achieve that objective.

Policy

The Board, as provided by law, shall request that all information and data as they may deem relevant to the establishment of a dual tax rate, be provided to them at least 30 days prior to the annual public hearing (Public Hearing) on the question of the setting of the current Fiscal Year tax rate. Such information shall be in the form normally provided to the Massachusetts Department of Revenue prior to certification. The Board shall designate a Board member to serve in the capacity of Liaison for the purpose of ensuring that all requirements for supplying information under this Policy shall be completed in an organized and timely fashion. The Liaison shall call upon the Town Manager directly, to assist in the provision of such information as the Board may require. Such information and data shall include, but may not be limited to:

A Presentation in writing of the process and methods used to account for and value residential, commercial/industrial, and personal property within the town;

A report indicating the level of compliance achieved by commercial/industrial property owners relative to annual submission of income and expense data including the numbers of forms sent and received;

A report indicating the level of compliance achieved by personal property owners relative to the annual submission of personal property data including number of forms sent and received.

An accounting of the number and value of properties in each class by Use Code and Use showing the number of sales, sales amount, proposed valuation, difference, and sales ratio for each property Use Code for the prior fiscal year;

An accounting concerning the number and amounts of abatements granted in each property class, together with a listing of pending appeals, for the prior fiscal year.

A Statement of Tax Rate Impact from the Assessor, setting forth general guidelines for the Board's use relative to the calculation of the minimum residential factor and the calculation of the tax rate;

A twenty year historical view of Value Shares and Levy shares by fiscal year showing the effect on levy totals and tax rates for each class for all years, and the percentage amount of tax shift, if any;

A projected view of the effect on the tax rate, the levy, and the levy totals for each class by proposed percentage for tax shift;

An Opinion by the Town Manager concerning the impact on the town's services relative to the prior fiscal year's levy share by the commercial/industrial property class.

The Board shall annually review assessment policies and procedures and methods, no later than 14 days prior to the occurrence of the Public Hearing. The Board shall work with the Assessor to assure the integrity and adequacy of current assessment practices and methods. If, during the course of their review, the Board shall have reason to doubt that the application of existing methods and practices will lead to full and fair cash valuations as required by law, the Board shall require the Town Manager to engage the Board of Assessors and provide such assurances to the Board as may be required. Deficiencies in process if any shall be addressed and corrected by the Board of Assessors who shall communicate their findings to the Town Manager and Board. The Board shall take all steps necessary to conform to this policy, and to ensure its use on a yearly basis to address issues that may develop with respect to the annual assessment of the town's residential, commercial and industrial properties.

The Board shall, in its deliberations concerning the implementation of a split tax rate, consider the effect of any annual disproportionate increases in fair market value within the property classes upon the levy shares of both residential and commercial properties, and shall attempt to determine to what extent, if any, the commercial and industrial property classes obtain value for municipal services in excess of the amounts for which they are taxed for those services.

The Board shall support and assist the Assessor in his attempts to enforce compliance relative to the collection of information from commercial and industrial property owners as required by law, and shall support efforts to establish a regional data bank that may be used to assist in the valuation of commercial and industrial properties for tax purposes.

The Board shall receive regular reports regarding the compliance of commercial and industrial property owners to submit annual income and expense reports to the Assessor as required by law. Owners that fail to meet the legal requirement of providing such information shall be fined in accordance with statute.

The Board shall support legislative proposals that seek fair and equitable valuations for commercial, industrial, and personal property.

This policy shall be reviewed one year from the date of adoption and every three years thereafter.

Selectman Referrals:

Selectman Dalton made the following referral:

1. Four disbursements from the Katrina Fund have been made in the amount of $1,500 each as follows; one to a local family for housing, one for a vehicle and two in direct aid. Selectman McCall suggested further donations could be made to coincide with the upcoming holiday.

   Motion: Selectman Dalton made a motion to approve a total donation of five thousand dollars from the Katrina Fund to two prior designees, subject to the verification of the fund balance. Motion seconded and approved unanimously.

   Motion: Selectman Dalton further moved that a second donation be made from the Katrina Fund in an amount to be determined to Chelmsford Cares. Motion seconded and approved unanimously.

Selectman Eliopoulos made the following referrals:

1. Selectman Eliopoulos noted that the trees on the common were only 80% lit due to some apparent bulb outages. He requested someone look into have the problem corrected.
2. Selectman Eliopoulos reminded everyone that the 350th Finale would be held at Princeton Station on January 30th with a night of dinner and dancing. Tickets were available at the Town Offices.

Selectman Newcomb noted that School Building Project was progressing well.

Motion: Selectman Dalton made a motion to adjourn at **10:05 pm**. Selectman McCall seconded. Motion unanimously carried.

Respectfully submitted,

Donna McIntosh

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, December 19, 2005
50 Billerica Road, Town Hall

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman
Bernard Lynch, Town Manager

7:07pm
Open Session:
1. Presentation of the 350th Quilt
Barbara Kimble Mackey of the Historical Committee presented a quilt to the Board commemorating Chelmsford then and now. Ms. Mackey stated that she and the quilting group met once a month over a year and one half period. Mr. Lynch stated that the quilt will be hung in the main hallway at Town Hall. Chairman Eliopoulos commented that the last event celebrating Chelmsford 350th will be held on Friday December 30th at Princeton Station. Tickets are $20 and can be obtained at Town Hall.

2. Evelyn Thoren, Chairperson of the School Committee, addressed the Board and discussed the meeting of the chairpersons to discuss the budget shortfall for FY07. Ms. Thoren explained the handouts she presented to the Board stating that new strategies have been discussed by the School Committee on how to address the budget shortfall. Ms. Thoren told the Board to call her with questions on the handouts. Ms. Thoren pointed out that the School Committee has not voted on any of the four strategies it has been discussing. The School Committee is still analyzing the information that came from the November 29th joint meeting. Ms. Thoren stated that two subcommittees have been formed; one to address cost savings and one to address ways to increase revenue. Ms. Thoren stated that these subcommittees will consist of two members each from the School Committee, FinCom and the Board of Selectmen.

Chairman Eliopoulos asked when the School Committee will take a position on the strategies. Ms. Thoren stated that a presentation would be given to FinCom sometime in January.

Selectman Newcomb asked Ms. Thoren to clarify what is meant by 5th grade reassignment. Ms. Thoren stated that analysis was done to see the impact on increasing class size. Selectman Newcomb asked if closing the schools was part of the item "maximum use of elementary school space". Ms. Thoren stated that it was and would get everyone a copy. Mr. Lynch stated that he was having trouble grasping how much the school department needs. Ms. Thoren replied that it depended on what services were being offered. Mr. Lynch stated that a number should be given and he has not heard one. Ms. Thoren stated that in the past an amount was given to the School Department.

3. Bill Askenburg, resident- 185 Westford St., gave the Board of update on Chelmsford Cares. Mr. Askenburg also thanked the Board for all their assistance. Chelmsford Cares will continue to meet and keep contact with the families. Chairman Eliopoulos stated that the Board's Katrina Fund is still taking donations and thanked Mr. Askenburg for all of his help. Selectman McCall read a certificate of appreciation for Mr. Askenburg from the Board of Selectmen.

4. Karen Dedonato, resident-4 Archibald Way, asked why there has been little information from the municipal side on the budget shortfall. Ms. Dedonato suggested bringing back library fees and possibly closing the North Chelmsford library. Ms. Dedonato stated that the residents needed to hear what the municipal cuts will be. Ms. Dedonato asked about the selling of Red Wing Farm. Mr. Lynch stated that the bid for Red Wing farm was $240,000, which will pay off the debt of the property; the intention of the sale. Mr. Lynch reminded Ms. Dedonato that the budget discussion is very early and some hard numbers will not be in yet. Mr. Lynch stated that there are not many ways to generate new revenue and the town needs to look at savings.

Ms. Dedonato asked about McFarland Field and the possible revenue that could be made. Mr. Lynch stated that it would have to be submitted at April Town Meeting. Chairman Eliopoulos stated that all Town owned land is on the block and maybe selling the golf course was an option. Chairman Eliopoulos commented that there have been three joint meetings in a six month period. Ms. Dedonato asked when she would hear back from the subcommittee discussions. Chairman Eliopoulos noted that at the next meeting the Board will work on consolidation and a joint meeting is planned for sometime in January. Ms. Dedonato reiterated the need for residents to lobby at the state house for reform. There will be a session to do that on January 18th.

Ms. Thoren stated that the January 18th meeting at the statehouse will be for those who want to lobby on behalf of Chapter 70 money. Ms Thoren also discussed the Arts and Technology Funds (AETF) 10th year of funding local teachers and asked for support. Ms. Thoren noted that the AETF was not part of the school department's budget.

Class III Auto Dealer's License:

Alex Davis, Manager of N. Chelmsford Auto Parts requested the Board's approval for a license. Mr. Lynch stated that issues with residents in the past have been addressed and the police and building inspector are satisfied.

Motion: Selectman Dalton made a motion to close the public hearing. Selectman McCall seconded the motion. Motion unanimously carried

Motion: Selectman Dalton made a motion to approve a Class II license to N. Chelmsford Auto Parts on 3 Butterfield St. Selectman McCall seconded the motion. Motion unanimously carried.

Common Victualer License-Shell Mart:

Khalid Chishti requested a common Victualer license.

Motion: Selectman Dalton made a motion to approve a common Victualer license to Rahi Enterprises LLC, or Chelmsford Shell-Mart on 189 Chelmsford

Rd hours of operation are 24 hours. Selectman McCall seconded the motion. Motion unanimously carried.

Pole Petition-Progress Avenue:

Joseph Gleason, Verizon agent requested a petition for a pole on Progress Ave., 60 feet from the center (not 75 feet as listed on form) because the line may be sagging and needs to meet with the required standards. Chairman Eliopoulos asked if there was anyone present to speak for or against the petition. Mr. Lynch commented on the pole on Turnpike Rd. that needs to be removed. Mr. Lynch stated that it has taken a very long time for Verizon to respond. Mr. Lynch recommended not granting the petition until the pole on Turnpike Rd. is removed.

Motion: Selectman Dalton made a motion to continue the public hearing until the next Board of Selectmen Meeting on January 9, 2006. McCall seconded the motion. Motion unanimously carried.

Request for LIP Approval-Oakford at 8 Main Street:

David Plunkett of Lowell MA, represented the Master Development LLC, introduced William Harvey, Manager as the owner of the project, and Michael Jacobs the project's engineer. Mr. Plunkett stated the property is located on 8 Main Street. Mr. Plunkett reported that the property would consist of eight single family homes about 1500 square feet each with an attached garage. Mr. Plunkett met with abutters and stated that there was good feedback from the meeting. Mr. Plunkett concluded by stating that the project was a complement to the town.

Mr. Jacobs stated the project was compatible with the neighborhood and the affordable units would sell for $159,000. Mr. Jacobs explained the memo of understanding: Chelmsford Housing Authority would be the lotto agent and the town right to first refusal. The price for non affordable units would sell for $425,000.

Mr. Rider stated that the eight units were on a 26 foot roadway, a graded site with plentiful landscaping. Selectman Newcomb asked about the number of lots on this piece of land and if eight was the original number for the site. Mr. Rider stated that ten units were originally proposed but the density was too high. Selectman Newcomb asked if there was an age restriction. Mr. Lynch responded that there was no age restriction. Selectman McCall asked Mr. Plunkett to expand on his comments regarding the meeting with the abutters. Mr. Plunkett stated that a room was rented at the Radisson and there was 100% turnout and things are still open for discussion. Selectman McCall heard from residents' concern with buffering and that trees had been removed. Mr. Plunkett stated that there is a back buffer of trees still on the site. Chairman Eliopoulos suggested continuing this discussion at the January 9, 2006, Selectmen meeting.

BOS Vote: Red Wing Farm- 30 Day Extension of P&S

Mr. Lynch stated that the bid was $251,000 and there are issues with the frontage and sewer connection. Mr. Lynch reported that there would be a profit of $81,000.

Motion: Selectman Dalton made a motion to approve a 30 day extension of the P&S for Red Wing Farm. Selectman McCall seconded the motion. Motion unanimously carried.

Affordable Housing Plan-Andrew Sheehan, Community Development Director:
Mr. Lynch stated the Town has moved forward to implement the plan. Mr. Sheehan reported that the state took 90 days to review the Affordable Housing Master Plan and approved the plan with no changes. Mr. Sheehan stated that a copy of the plan was available on the Town's web page.

Mr. Sheehan gave a brief history of the reason for the Master Plan. Mr. Sheehan stated that Chelmsford was currently at 6.54% in affordable housing when the level the Town needs to be at is 10% to get a one year reprieve. Mr. Sheehan stated that the Master Plan gives the Town more ammunition when dealing with developers, who currently have the advantage. Mr. Sheehan noted that there are 229 housing units up for approval.

Selectman McCall asked about what housing was eligible to be counted to affect the Town's percentage rate on affordable housing. Mr. Sheehan stated that the counts are based on the calendar year. Selectman Dalton inquired about how often the state send plans back to towns to make revisions. Mr. Sheehan replied that the Master Plan Committee did a great job and it is fairly unusual that the state ask for no changes.

Town Manager's Bid/Awards:
Mr. Lynch stated that bids came in for the Parker and McCarthy Middle Schools Renovation and Additions from Colantonio, Inc. for $6,439,000.

Motion: Selectman Dalton made a motion to approve the contract award to Colantonio, Inc., for $6,439,000. Selectman McCall seconded the motion. Motion unanimously carried.

Parade Committee Appointments:
Mr. Lynch stated that the 350th parade was a success, and suggested the following people be on the parade committee. Selectman Dalton asked how many repeats there were on the committee. Mr. Lynch stated that there were four people serving again on the committee.

Motion: Selectman Dalton made a motion to approve the appointments of John Chemaly, Jim Gifford, Fran McDougall, Karen Murray, Lynn Marcella and Denise Marcaurelle to the 2006 parade Committee. Selectman McCall seconded the motion. Motion unanimously carried.

Town Manager's Reports:
Mr. Lynch stated that the budget was the top priority and the Town is working on how to identify savings. Mr. Lynch reported that there would be a insurance advisory committee meeting on January 18th. Chairman Eliopoulos stated that the joint meeting for FinCom, the School Committee and Board of Selectmen will be held on January 17th.

FY07 Budget:

Chairman Eliopoulos discussed having two Selectmen on each of the two subcommittees that are being formed to discuss revenue and cost savings for the town. Selectman Newcomb noted that some on the list listed as cost savings could be revenue and vice versa. Chairman Eliopoulos stated that this is something the subcommittees could hash out. Selectman Chase agreed with the subcommittee concept. Chairman Eliopoulos assigned Selectman Chase and Selectman Dalton to the cost saving subcommittee, and Selectman McCall and Selectman Newcomb to the revenue subcommittee. Chairman Eliopoulos suggested the subcommittee groups meet before the New Year. Chairman Eliopoulos asked Selectman Chase and Selectman McCall to set up a date for the subcommittee meetings. Mr. Lynch outlined the usual steps for the budget process for the year stating that state numbers are not received until May or June, Union Settlements are not until July 1st, and health care costs are received around February. Selectman Chase reiterated that the process that the Town is going through is not out of the norm but accelerated. Selectman Chase added that there is usually at this point in the process a shortfall foreseen.

Annual License Renewals:
The Board of Selectmen approved the license renewals listed out and presented at the meeting. Amending; Applebee's Restaurant to read, contingent upon final inspections.

Motion: Selectman Dalton read the following:
I make a motion to approve a Lodging House License for 2006 to:
Leo Forcier, 146 Tyngsboro Road
I make a motion to approve an Automatic Amusement License for 2006 to:
DePalma Lanes
I make a motion to approve the following All Alcohol Club Licenses for 2006 to:
The American Legion
Chelmsford Elks, Lodge 2310
I make a motion to approve the following All Alcohol Innholders Licenses for 2006 to:
Chelmsford Hotel Company
PKS Realty, Inc. d//b/a Best Western
I make a motion to approve the following Beer & Wine Restaurant Licenses for 2006 to:
Amici's Trattoria
Chelmsford House of Pizza & Seafood - **Contingent upon an updated Certificate of Insurance and final inspection of by the Building Dept. and Fire Dept.**
Evzon - **Contingent upon final inspection by the Building Dept. and Fire Dept.**
No written policy for employees' responsibilities on the premises.

Jimmy's Pizza, Subs and Seafood - Contingent upon an updated TIPS certification, and updated Certificate of Insurance and an inspection by the Building Dept. and Fire Department.
Kastore Restaurant – **Contingent upon an updated Certificate of Insurance**
Khoo & Ng Corp. (Sakura Japanese Cuisine)
Sals' Pizza – Contingent upon final inspection by the Building Dept. and Fire Dept.
Yoong Tong II Thai Restaurant – **Contingent upon an inspection by the Building Dept. and Fire Dept.**

Selectman McCall seconded the motions. Motions unanimously carried.

Motion: Selectman Dalton read the following:

I make a motion to approve the following All Alcohol Restaurant Licenses for 2006 to:

Applebee's Neighborhood Grill and Bar- **Contingent on final inspection**
Bainbridges - **Contingent upon a final inspection by the Building Dept. and Fire Department.**
Bertucci's Restaurant Corp.
Chelmsford Country Club (Sterling Golf Management)
C.K. Restaurant Inc. (Mama's)
Country Club, Too, Inc.
Garlic and Pepper Bistro - **Contingent upon an updated Certificate of Insurance and final inspection by the Building Dept. and Fire Dept.**
Glenview Lounge and Pub
The Ground Round
Hellenic Oven & Grill – **Contingent upon a final inspection by the Building Department and Fire Dept.**
Hong & Kong Restaurant
Princeton Station - **Contingent upon a final inspection by the Building Dept. and Fire Dept.**
Skip's Restaurant
Szechaun Chef Restaurant
Thai Jasmine - **Contingent upon a written policy for employees' responsibilities.**
Vincenzo's Restaurant – **Contingent upon an updated Certificate of Insurance.**

Selectman McCall seconded the motions. Motions unanimously carried.

Motion: Selectman Dalton read the following:
I make a motion to approve the following All Alcohol Package Store Licenses for 2006 to:

DJVP Ram Corp. (The Corner Cupboard)
Drum Hill Liquor Mart
Harrington Wine & Liquors
Sam's Liquors
The Wine Rack - **Contingent upon payment of outstanding personal property taxes ($14.45)**
Vrouhas, Inc. – **Contingent upon an updated BAT certification and an updated Certificate of Insurance.**
Westlands Package Store - **Contingent upon payment of outstanding taxes ($7.22)**

I make a motion to approve the following Beer & Wine Package Store License for 2006 to:

Ted's Market – **Contingent upon a payment plan with the Finance Director**

Selectman McCall seconded the motions. Motions unanimously carried.

Motion: Selectman Dalton read the following:

I make a motion to approve the following Auto Dealers Licenses for 2006 to:

Class I Auto Dealers

Route 3A Motors

Class II Auto Dealers

A+ Auto Body Repair
A1 Auto Body Company
Beantown Motors
Bosco Automotive Services - **Contingent upon an updated Bond, an updated Certificate of Insurance and payment of outstanding Personal Property taxes ($18.04)**
Chadwick-BaRoss, Inc.
Chelmsford Auto Sales, Inc.
Dana's Automotive
Duffy's Auto Co., Inc
Earl Socha Used Cars
J.P. Rivard Trailer Sales, Inc
Jim Gervais Sales, Inc - **Contingent upon recommendation by Building Inspector that tire stops be installed.**
John's Auto Sales
Landry's Automotive – **Contingent upon an updated Certificate of Insurance.**
M&M Towing – **Contingent upon coming into compliance with Planning Board and Conservation Commission issues by April 30th, 2006.**
McGovern Automotive -
Merrimack Auto Sales, Inc.
Morton Jaguar Service, Inc.

Northeast Transmission Company
N.T.C. Automotive
Pleasant Auto Sales of Chelmsford
R & P Auto Sales (1 Oak Street)
R & P Automotive (117 Princeton Street)
Silva's Garage and Auto Sales – **Contingent upon an Updated Certificate of Insurance**
Stony Brook Auto Body
Winner's Circle Auto Sales, Inc. - **Contingent upon recommendation from Building Inspector that the number of cars on the lot be reduced from 42 to 32. (Cars are consistently parked on unpaved areas, grassy areas of the lot). Bldg. Inspector recommends tire stops be installed.**

Class III

No. Chelmsford Auto Parts – **Contingent upon payment of outstanding taxes ($259.62)**

Selectman McCall seconded the motions. Motions unanimously carried.

Motion: Selectman McCall read the following:

I make a motion to approve the following Common Victualer Licenses for 2006 to:

A&A Convenience Stores
A+ Mini Market
Ala Carte Café
Antonio's Pizza – **Contingent upon providing an updated Certificate of Insurance.**
Boston Market Corp. – **Contingent upon providing an updated Certificate of Insurance.**
Brickhouse Pizza – **Contingent upon payment of outstanding taxes ($24.42).**
Brothers Gourmet Pizzeria – **Contingent upon providing an updated Certificate of Insurance.**
Burger King Restaurant – **Contingent upon providing an updated Certificate of Insurance.**
Carven Catering Services – **Contingent upon providing an updated Certificate of Insurance.**
China Mountain Restaurant
Country Club US
D'Angelo's Sandwich Shop – **Contingent upon providing an updated Certificate of Insurance.**
Domino's Pizza – **Contingent upon providing an updated Certificate of Insurance.**
Dunkin Donuts – Chelmsford Street
Dunkin Donuts – Drum Hill Road
Dunkin Donuts – Tyngsboro Road
Einstein Brothers Bagels

Elliott's Hot Dogs – **Contingent upon providing an updated Certificate of Insurance and payment of outstanding taxes ($59.15).**
Energy North Stores – **Contingent upon providing an updated Certificate of Insurance.**
Family Pizza – **Contingent upon providing an updated Certificate of Insurance.**
Fresh Chow Restaurant – **Contingent upon providing an updated Certificate of Insurance.**
Friendly Ice Cream Corp.
Gary's Ice Cream – **Contingent upon providing an updated Certificate of Insurance.**
India Palace – **Contingent upon providing an updated Certificate of Insurance.**
Joanne's Kitchen
Kate's Corner
Market Basket
McDonald's Restaurant
Miller's Variety Store – **Contingent upon providing an updated Certificate of Insurance.**
Mr. Convenience
Nonna Cardone's Cucina
Over the Top Chocolate
Panera Bread
Papa Gino's **- Contingent upon providing an updated Certificate of Insurance.**
Quiznos Sub
Rose Variety
Rosie's Diner
Sabatino's Italian Kitchen
Shell Food Mart
Shop & Save
Starbucks Coffee Company – **Contingent upon providing an Updated Certificate of Insurance.**
Stop & Shop Supermarket
Subway – Chelmsford Street
Subway - Parkhurst Road
Sully's Ice Cream
Sweetest Memories
Tai Shiang Garden – **Contingent upon providing an updated Certificate of Insurance.**
The Americana – **Contingent upon payment of outstanding taxes ($92.81)**
The Flaky Pastry
The Pizza Place – **Contingent upon providing an updated Certificate of Insurance.**

Three Sister Deli
Timbo's
Village Square Convenience Store – **Contingent upon payment of outstanding taxes ($7.22).**
The Java Room – **Contingent upon providing an updated Certificate of Insurance.**
Zesty Pizza

Selectman Dalton seconded the motions. Motions unanimously carried.

Approval of Minutes:

Motion: Selectman Dalton made a motion to approve the minutes from November 7, 2005, and November 21, 2005. Selectman McCall seconded the motion. Amended the location of the meetings to read, 50 Billerica Road, Town Hall. Motion unanimously carried.

Selectmen Referrals:

Selectman Newcomb and Selectman McCall did not have any referrals.

Selectman Dalton made the following referrals:

1. Selectman Dalton noted that he attended a function given by Chelmsford Cares and was pleased with the response from the residents.
2. Selectman Dalton asked where the School Building Project was in terms of the old police station's renovations. Selectman Newcomb stated that the renovations were complete and the administration will move in next week.

Selectman Chase made the following referrals:

1. Selectman Chase noted the presentation at the School Committee meeting by the current Curriculum Coordinators and placed the information in the reading folder. Selectman Chase also noted the presentations given by the IT department and Business Manager.
2. Selectman Chase stated that FinCom has identified two members to serve on the subcommittees for revenue and cost savings.

Chairman Eliopoulos made the following referrals:

1. Chairman Eliopoulos asked about the status of a presentation on the emergency management plan. Mr. Lynch stated that currently all of the energy was going to the budget.
2. Selectman Dalton noticed the minutes from all Board of Selectmen meetings are now on-line.

Motion: Selectman Dalton made a motion to adjourn at **9:30pm**. Selectman McCall seconded. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

January 9, 2006

7:00 p.m. Call to Order

Public Service Announcements

Open Session

Minutes – BOS Regular Meetings

Town Manager

- Reports
- FY 06 Goals Status
- Town Manager Appointments
- Town Manager Bids and Contract Awards
  - *Contract Award to Sterling Golf Course Management* *Tab 4*

Scheduled Business

7:30 p.m. **Continuation: Pole Petition, Verizon – Progress Ave** *Tab 1*

7:40 p.m. **Continuation: Request for LIP Approval – Main St. Realty** *Tab 2*

Unscheduled Business

- *BOS Vote: BAN Sale for School Construction Project* *Tab 3*

Press Questions

Executive Session

Next Regular Meeting: January 23, 2006

***** This meeting is televised. *****

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, January 9, 2006
50 Billerica Road, Town Hall

RECEIVED
2006 APR 28 PM 1:33
TOWN CLERK
CHELMSFORD

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman
Bernard Lynch, Town Manager

7:01pm
Chairman Eliopoulos asked for a moment of silence for Jack Emerson of the Cemetery Commission and Steve Maloney of the Library Trustees who have recently passed away.

Open Session:
Selectman Chase addressed the Board and publicly acknowledged a Christmas gift given to him by the Lowell Sun. Selectman Chase wanted to thank the Sun for its gesture and will be returning the gift to the Sun.

BOS Vote: Ban Sale for School Construction Project:
Kerry Speidel, Finance Director requested approval for twelve million dollars in bond anticipation notes for the school construction project renovation project. Ms. Speidel noted that six bids have been received. Ms. Speidel reported that the Town has been put on unofficial notice to bring the reserve level up to adequate ratings. Ms. Speidel stated that Morgan Stanley came in as the lowest bidder. Selectman Newcomb asked if there was a level for adequate levels given. Ms. Speidel responded that it was the levels of 1997-1999 that was being looked at for desired levels.

Motion: Selectman Dalton made a motion to approve the Ban Sale for School Construction Project for $12,000,000 to Morgan Stanley with a true interest cost of 4.0% with a premium of $39,720.00. Selectman McCall seconded the motion. Motion unanimously carried

Contract Award to Sterling Golf Management:
Mr. Lynch reported that one bid has been received from Sterling Golf Management. Mr. Lynch noted that the overall playing of golf is down nationally, and there are many new courses in the area. Mr. Lynch stated that there were some concerns in the past with Sterling's maintenance of the course but these concerns have been addressed. Mr. Lynch awarded the contract to Sterling Golf Management for a three year term; with an option to extend for two years after the three years is up.

Motion: Selectman Dalton made a motion to approve the contract to Sterling Golf Management for a term of three years expiring 12-31-08, and the option to extend for two years after the three year term. Selectman McCall seconded the motion. Motion unanimously carried.

Chairman Eliopoulos asked if the Town could sell within the three year contract period. Mr. Lynch stated that he needed to work with Town counsel to strengthen the language of the contract. Selectman Dalton asked what the reason was for the lack of maintenance. Mr. Lynch stated that there were past issues with abutters and the golf shop, but complaints have lessened. There was also an irrigation problem that was not responded to quickly enough. Mr. Lynch noted that the Town bought the course in 1995 and since taking ownership, the Town has made money. Mr. Lynch stated that the course will continued to be monitored. Selectman Newcomb asked if the Town has the right to terminate anytime after one year. Mr. Lynch replied that the Town had a right to terminate.

Town Manager Reports:

1. Mr. Lynch reported that the state representatives have been invited to the next Board of Selectmen meeting, but he has not heard back as to whether or not they will attend.
2. Mr. Lynch reported that a letter to the governor has gone out requesting assistance with local aid. Mr. Lynch noted that the Initiative for Local Aid is also trying to lobby the state for more money for the Town The MMA is also requesting that the state that more money go back to the Towns. Chairman Eliopoulos stated that on January18th, the Initiative for Local Aid will be going to the state house to lobby, and a bus will be leaving at 10:00am if anyone is interested in attending.
3. Mr. Lynch reported that he was developing a list of Town owned land in order to generate more revenue for the Town. Mr. Lynch stated that he would be sitting down with Andy Sheehan and going over the list. Mr. Lynch estimated a potential of over one million dollars of revenue after selling some property.
4. Mr. Lynch reported that the Benchmarking study is in draft form, and hopes to have it available in a few weeks.
5. Mr. Lynch reported that there is a sound barrier meeting for the new highway commission and he has asked Representative Hall to send a letter on behalf of the Town.
6. Mr. Lynch reported that the bike path will go out to bid this year and work should begin sometime in the summer or fall. Selectman Newcomb asked if the Conservation Commission needed to be part of the process. Mr. Lynch stated that the commission might not be needed as they had already issued an Order of Conditions.
7. Mr. Lynch reported that the arbitration award for the firefighters had been received for a three year contract with 0%, 2%, 2% annual increases over the course of the three year contract (2004-2006), and a signing bonus of $600, favorable language regarding EMT training and the imposition of a 24 hour shift. Chairman Eliopoulos asked if at Town Meeting the 24 hour shift can be voted down. Mr. Lynch stated that either the entire package is approved or not.
8. Mr. Lynch reported that he was still interviewing for the police chief appointment and it should be decided in the next few weeks.
9. Mr. Lynch reported that there will be a surplus auction sale on January 12th from 11am-1pm at the High School Gym.

10. Mr. Lynch reported that the final 350th event was held on December 30th, and there will be a winter fest dance on February 3rd at the Chelmsford Community Center.

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2006 APR 28 PM 1:34

Pole Petition-Progress Avenue Continued:

Joseph Gleason, Verizon agent, requested a petition for a pole on Progress Ave., 60 feet from the center because the line may be sagging and needs to meet with the required standards. Mr. Gleason stated that he reported the issue with Golden Cove Road and splicing work needs to be done and the work should be done by the end of the month. Mr. Lynch stated that Verizon was notified of the problem in May 2004. Selectman Newcomb suggested continuing the discussion at the March 6th meeting. Chairman Eliopoulos stated that until the pole is moved the Board would not grant any pole petitions, which would send a clear message to Verizon. Mr. Gleason reminded the Board that the sag in the lines is could be a public safety issue. Chairman Eliopoulos noted that a pole being in the middle of the road is also a public safety issue, and it needs to be taken care of.

Motion: Selectman Dalton made a motion to continue the hearing until March 2006. McCall seconded the motion. Motion unanimously carried.

Request for LIP Approval-Oakford at 8 Main Street:

Mr. Lynch stated that a memo from Andy Sheehan recommended the project. Chairman Eliopoulos asked if there was anyone to speak for or against the project.

Susan Olson, resident-140 Groton Rd., stated that the procedure to notify abutters was not followed. Ms. Olson wanted to know the impact on the quality of life in the Town, and hoped to have continued discussions with the developer. Chairman Eliopoulos reminded Ms. Olson that the LIP had to go to the Board of Appeals and the Board of Selectmen as well. Ms. Olson noted that an approval from the Board of Selectmen would carry weight. Selectman Newcomb stated that it was the Board's role to look at the affordability of the project and the details get reviewed by the Board of Appeals. Ms. Olson also commented on the clearing of the land, and how there is nothing left.

Mike Jacobs, the projects engineer, stated that there has been ongoing dialogue between the developer and the neighborhood in trying to make it work for all involved. Chairman Eliopoulos noted that the clearing of the land has become an issue. Selectman McCall was pleased with the density of the project and how the project is in character with the neighborhood. Selectman McCall was not pleased with the clearing of the land. Mr. Jacobs mentioned the true affordability of the units proceed at $159,000. Selectman Newcomb asked about any possible condo fees.

Motion: Selectman Dalton made a motion to recommend the local initiative program of 8 Main Street Oakford Place, also to stipulate the developer continue talking with Andy Sheehan about screening. Selectman McCall seconded the motion. Motion unanimously carried.

Chairman Eliopoulos asked about standing water in a basin on the property. An upslope was being constructed for the drainage along side the property line, and the standing water lasted a few hours.

Selectmen Referrals:

Selectman Newcomb made the following referrals:

Selectman Newcomb reported that there was a scheduled meeting for the Revenue Subcommittee on Thursday January 12, 2006. Selectman Newcomb stated that the group was working on some action items such as land sale, and would report at the next joint meeting on January 18, 2006.

The School Building Committee was working on issues such as moving the modelers to where the central administration was located. Selectman Dalton asked about the bid for the addition of the back of the central administration building. Selectman Newcomb explained that the School Building Committee voted to send this item to the Board of Selectmen because the committee felt is was not their issue. Selectman Newcomb stated that it was up to the Board to decide how to move forward with the building. Selectman Dalton asked where the committee stood with its overall budget. Selectman Newcomb reported that the consultants were asked to go back and look at the contingencies.

Mr. Lynch mentioned that with the current situation in Town and the possible closing of Westland School may make the addition on the central administration building unnecessary. Mr. Lynch recommended not voting on this item to give the him and the Board more time to research the issue. Selectman Newcomb stated that he would find out how long the addition bid would be good for. Chairman Eliopoulos stated that with concerns of consolidation, the addition may not be needed.

Selectman McCall made the following referral:

1. Selectman McCall commented on the Revenue Sub-Committee and how nothing was off the table.

Selectman Dalton made the following referrals:

1. Selectman Dalton stated that there was no conclusion drawn at the Cost Saving Sub Committee. Six major items were categorized and prioritized by the group. Selectman Dalton stated that no date has been set for their next meeting.
2. Selectman Dalton asked about the possibility of gathering information to show the cost saving that has been done over the years. Selectman Dalton stated that there is a need to show the community that cost saving has been an ongoing process. Mr. Lynch pointed to many areas in town that have been scaled back over the years to save money.
3. Selectman Dalton commented on the ongoing meetings with the School Committee and FinCom and asked what the original shortfall number was back in June of 2005. Mr. Lynch stated that it was 2.9 million dollar shortfall in June of 2005. Mr. Lynch noted that as time passes, numbers will become more fixed.

4. Selectman Dalton suggested having important materials prior to Selectmen meetings.
5. Selectman Dalton asked what can be done with the Verizon situation on Turnpike Road. Mr. Lynch stated that the action taken tonight was the only thing that the town could do. Chairman Eliopoulos suggested asking Town Counsel about this issue and what could be done.
6. Selectman Dalton commented that Empire Street residents were pleased with the Town response to its issues.

Selectman Chase made the following referrals:

1. Selectman Chase stated that the Cost Sub Committee doing its own investigation of the existing structure was counter productive. It was determined that the subcommittee would not hinder the efforts of the Town manager and the Superintendent.
2. Selectman Chase reported that he received an e-mail from Bill Askenburg requesting $1,000. $885.00 will be deposited at the end of the week and Selectman Chase stated that he would follow up on this issue. The total amount deposited to date is $12,602.66 with interest of $3.40 totaling $12,606.36, while disbursements have been $11,770.00

Chairman Eliopoulos made the following referrals:

1. Chairman Eliopoulos reported that the last 350th event was held at Princeton Station and thanked all of those for their efforts in the event.
2. Chairman Eliopoulos stated that he attended a meeting with Ms. Thoren on Preserve Chelmsford Future. Chairman Eliopoulos also mentioned that he was asked by the Boston Globe what was best about Chelmsford, and he answered that it was the residents. Chairman Eliopoulos commented on the lobby efforts on January 18th by the town residents and the number of people who came.

Motion: Selectman Dalton made a motion to adjourn at **9:55pm**. Selectman McCall seconded. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

January 23, 2006

7:00 p.m. Call to Order

Public Service Announcements

Open Session

Minutes – BOS Regular Meetings

- November 29, 2005 Joint Meeting
- December 7, 2005
- December 19, 2005

Town Manager

- Reports
- FY 06 Goals Status
- Town Manager Appointments
- Town Manager Bids and Contract Awards
  - *School Administration Building*

Scheduled Business

7:30 p.m. Legislative Delegation

Unscheduled Business

Press Questions

Executive Session

Next Regular Meeting: February 6, 2006

***** This meeting is televised. *****

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TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, January 23, 2006
50 Billerica Road, Town Hall

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager

7:00pm
Open Session:

1. Mary Tiano, resident-1 Spruce Street, asked the Board what the normal procedure is to get bids. Chairman Eliopoulos stated that bids come through the Town Manager and it is usually on his time frame. The Town Manager, under the Charter, is the awarding authority. Mr. Lynch stated that the qualifications of the submittal along with the availability of funds and the need are all factors in the process. Ms. Tiano asked how long the process usually takes. Mr. Lynch stated that typically it is a fast process.

   Ms. Tiano asked for specifics on how the bidding process was for the old police station. Mr. Lynch stated that the School Building Committee asked for an extension in regards to the bid. Ms. Tiano asked if this was the second extension granted, and Mr. Lynch stated that it was, but added that this was not uncommon.

   Ms. Tiano asked about the governor's budget. Mr. Lynch commented that the governor's money was already factored into the budget. Mr. Lynch explained that the state budget is pulled together in June and then submitted to the Governor. Mr. Lynch stated that the Town will not know the exact dollar amount of the aid until July. Mr. Lynch mentioned that the health insurance number has been adjusted and that is helping with the shortfall.

2. Karen DeDonato, resident- 4 Archambault Way, stated that the Town has a commitment to finish the Administration addition. Ms. DeDonato added that the School Building Plan was approved by Town Meeting. Ms. DeDonato stated that the plan has been kept under budget and if the money is not spent on the addition, it does not mean it will go into his operational budget. Chairman Eliopoulos stated that this was not entirely true. Ms. DeDonato stated that this issue should not be used as a political tool. Ms. DeDonato stated that stalling this issue could result in the cost of the project going up. Chairman Eliopoulos stated that if the money is not spent on the addition, then the money will be spent on a list that has been generated but as he and the other Selectmen have not seen the list it would be hard to take a position on where to put the money. Ms. DeDonato reminded the Board that time was going by and that the project needed to go forward. Selectman Dalton suggested hearing from Mr. Maloney and asking him to explain the deferred items on the list.

3. Mary Tiano addressed the Board again to ask for understanding on the projects progress, and the list of contingencies. Selectman Newcomb stated that an extensive amount of work was deferred in the project. Ms. Tiano did not understand the discussion of using the Westland School, if closed, as possible space. Chairman Eliopoulos stated that there needs to be a discussion about this issue if the Westland does close. Chairman Eliopoulos wanted the Westland School closing taken off of the table before discussing the addition.

Chairman Eliopoulos suspended Open Session at 7:39pm.

Representative Discussion:

Chairman Eliopoulos asked the state representatives present to come and join the meeting. Senator Fargo, Representative Atkins, Representative Hall and Representative Nangle addressed the Board.

Senator Fargo began by congratulating the Town for all of its work on the January 18th lobby day at the state house. Representative Atkins also noted the attention brought to Chelmsford. Representative Hall stated that the Town has not seen its fair share in education money from the state. Chairman Eliopoulos talked about the governor hinting at uncapping the lottery money, and asked if the legislature would support this uncapping. Representative Hall responded that if the numbers were there, he would support it. Representative Nangle was aware of the concerns and applauded the Town for putting the residents first. Ms. Atkins stated that representatives have been fighting to raise or uncap the lottery money. Senator Fargo stated that things are being put into motion to give lottery money back to the towns.

Selectman McCall commented on 40B projects, and how there needs to be more local control over the projects. 40B projects can place an undue burden on a town's infrastructure, and the reprieve given by the state is a hard goal to reach. Senator Fargo mentioned the efforts to count mobile homes as affordable housing. Selectman Dalton mentioned that the idea of counting mobile homes was questioned years ago by the town to the state. Representative Hall stated that the Chapter 40B law was not long but the regulations to it that need to be changed.

Chairman Eliopoulos stated that the Town is facing serious fiscal times and there is a problem with the Chapter 70 money formula. Selectman Dalton commented on how there were only twenty five representatives present on the January 18th lobby day, and how that was not a lot of representatives. Senator Fargo responded that this was indeed a lot of representatives. Representative Nangle stated that towns such as Chelmsford are penalized because they have not grown and the town has been treated unfairly under Chapter 70. Chairman Eliopoulos asked what the next steps would be. Representative Nangle stated that the Chapter 70 formula needs tweaking. Representative Hall stated that the town needs more attention to the issue.

Selectman Newcomb commented on the mobile homes and how only ½ of the 250 homes would be included as affordable homes. The town needs 600 more affordable units to get to 10%. Selectman Newcomb stated that there needs to be reform in the 40B law. Selectman McCall noted that road maintenance, number of children and the budget all tie into the 40B laws.

Mr. Lynch asked about ways for the town to collect taxes from utilities that would bring in more money to the Town. Senator Fargo stated that the loopholes are ancient. Mr. Lynch stated that the health insurance issue is killing municipalities and eating up all of the local tax revenue. Senator Fargo stated that the house is waiting for a report on health care reform bill. Chairman Eliopoulos thanked the state officials for attending the meeting and for the opportunity to express the Selectman's concerns.

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Chapter 70 Lobby Day:

Laura McLaughlin, Initiative for Local Aid thanked the Board of Selectmen and the Town Manager and those who attended the January 18th lobby day on Chapter 70 reform. Chairman Eliopoulos complimented Ms. McLaughlin on the well organized efforts.

Open Session *Continued*:

1. Karen DeDonato asked about the spending on the School Building project. Chairman Eliopoulos stated that the project can not spend any more than 31 million dollars. Ms. DeDonato asked Chairman Eliopoulos whether he was speaking for himself or the Board when he suggested taking the Westland School off the table prior to a discussion of the addition. Chairman Eliopoulos stated that he was speaking for himself. Ms. DeDonato commented that the School Committee did not discuss the Westland School being appropriate space for meetings and if the Westland School did close it would be for a short period of time.
2. Evelyn Thoren, resident- 18 Pinewood Rd. and Chairperson of the School Committee, stated that there was a scheduled meeting on January 30th to discuss issues with respect to the new revenue picture. Ms Thoren was concerned with losing the bid price if there is a delay on the administration addition. Chairman Eliopoulos stated that he was having trouble figuring where the School Committee was heading. Ms. Thoren responded that the revenue picture was changing and taking Westland on or off the table is being discussed. Chairman Eliopoulos respected the opinion by Ms. Thoren that the closing of the Westland School and the school administration addition were not linked but felt that the discussion needed to occur if Westland School is closed regarding the addition. Chairman Eliopoulos stated that there was plenty of time to discuss the bid. Chairman Eliopoulos added that even with the revenue changes, there are still significant fiscal problems in town. Ms. Thoren stated that even if Westland School goes off the table, there is still a projected problem next year. Selectman Chase asked if Ms. Thoren would make the statement that the school administration addition was a bigger priority than the items on the deferred list of the School Committee. Ms. Thoren responded that she would agree with that statement.
3. Alex Buck, resident-6 Bellevue St., asked if there would be a vote on the current topic of the administration addition. Mr. Lynch stated that it was just up for discussion at this time. Chairman Eliopoulos stated that it would not hurt to wait until February 7th to discuss the issue of the addition further. Mr. Buck asked what would need to happen to close the discussion. Chairman Eliopoulos

responded that the School Committee needed to decide whether to close or not to close Westland Schools.

4. Ms. Thoren stated that if the Westland School closed, it would be because of the operating expense. Ms. Thoren stated that the closing of a school needed to be discussed further by the School Committee.

School Administration Discussion:

Pat Mahoney, Chairman of the School Building Committee, continued the discussion of the school building project and commented on the items on the deferred list and why the items were deferred. Mr. Mahoney stated that items were deferred because there was not enough money. The School Building Committee agreed to focus on the infrastructure and maintain the integrity of the project. Items such as paint and carpet were deferred. Mr. Mahoney stated that the budget was put together and the project is good for the town at a good value. Mr. Mahoney stated that if the addition is not built then there needed to be a reconfiguration in the high school of certain spaces, i.e. janitorial space. This reconfiguration would lead to a construction cost of 50,000-60,000 dollars. Selectman Dalton requested that Mr. Mahoney tell public what he did for work. Mr. Mahoney stated that he owns and operates a construction management company and has over 25 years of experience in the construction field. Mr. Mahoney stated that the addition was good for the Town. Chairman Eliopoulos thanked Mr. Mahoney for his expertise and time with the project.

Mr. Lynch recommended that the Board take the time it needs to look into the addition and vote at the February 6th meeting. Selectman Dalton stated that after that evening's discussion he was prepared to vote. Mr. Lynch noted that other members on the Board have concerns and that it would not hurt to wait. Selectman Chase stated that he was prepared to vote as well, but had no objection to waiting. Chairman Eliopoulos stated that the vote would occur at the next Board of Selectman meeting on February 6th.

Approval of Minutes:

Motion: Selectman Dalton made a motion to approve the November 29, 2005, December 7, 2005, and December 19, 2005 meeting minutes. Selectman McCall seconded the motion.

- Amended: November 29, 2005 minutes. 1. Page 1Dwight Hayward name deleted. 2. Page 2 read 2002 levels 3. Page 4, number 11. regulation should read regionalization and in acted should read practical 5. Page 7 first line "in Chapter 70 money" 6. Page 8 read Ms. Mazza not Ms. Karen 7. Page 9 paragraph nine "is to hold people harmless".
- December 7, 2005 minutes page 5 take out Finance Committee and substitute Chief Assessor.
- December 19, 2006 page 1 last paragraph read "fifth grade reassignment".

Motion unanimously carried.

Town Manager Reports:

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1. Mr. Lynch reported that there will be Winterfest on Friday February 3rd at the Community Center. Mr. Lynch noted that there is a photography contest being held in town.
2. Letters have gone out from the Assessors to commercial property owners with the Incom and Expense Forms with a note that if there was no compliance than there would be a penalty.
3. Mr. Lynch reported that he is working with the school department and discussing consolidation to make the town and school more efficient. Mr. Lynch noted that little would be saved from a consolidation of the Human Resource departments. Mr. Lynch reported that under Technology there is the potential for savings and suggested a future discussion on securing the services of a technology consultant. Mr. Lynch commented on how the business financial operation is another area where saving could occur. Mr. Lynch indicated that he has instructed the finance offices to implement a single chart of accounts for the town that would include the school department. . Mr. Lynch also noted that making all transactions electronically would be a great improvement and he has instructed the finance offices to implement this for July 1st. Mr. Lynch said that he had proposed folding the schools business manager with the community education component as a potential savings opportunity. Mr. Lynch explained that the school department needs to buy into this before moving forward. Mr. Lynch noted that he and the Superintendent will be meeting with the cost saving subcommittee to discuss consolidation.

Selectmen Referrals:

Selectman Dalton made the following referrals:

1. Selectman Dalton commented on the length of the Open Session and how the Board should stick with a time limit, so the meeting can stay on agenda. Chairman Eliopoulos noted that tonight's meeting was not usual for Open Session. Chairman Eliopoulos added that those who do come forward should be prepared to discuss issues and not just use the forum as an opportunity to make a statement.
2. Selectman Dalton mentioned a resident that was not getting his recyclables picked up.

Selectman Chase made the following referrals:

1. Selectman Chase mentioned that the next FinCom meeting will be televised because the Town manager will be presenting the town's budget.

Selectmen Newcomb, Selectman McCall and Chairman Eliopoulos made no referrals.

Motion: Selectman Dalton made a motion to adjourn into Executive Session at **10:26pm**. Selectman McCall seconded. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

February 6, 2006

7:00 p.m. Call to Order

Public Service Announcements

- Appreciation – Frank Warren – Animal Control Officer *Tab 1*

Open Session

Minutes – BOS Regular Meetings

- October 3, 2005 *Tab 2*

Town Manager

- Reports
- FY 06 Goals Status
- Town Manager Appointments *Tab 3*
  - *Animal Control Officer*
  - *Local Emergency Planning Committee Appointment*
  - *Veteran Agent*
  - *Community Action Program Committee*
- Town Manager Bids and Contract Awards
  - *School Central Administration Building* *Tab 4*

Scheduled Business ***Tab 5***

7:30 p.m. **Application for a One-Day All Alcohol License – St. Vartanantz Church**

Unscheduled Business

- Special Municipal Employees

***** This meeting is televised. *****

Press Questions

Executive Session

Next Regular Meeting: February 27, 2006

***** This meeting is televised. *****

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, February 6, 2006
Town offices, 50 Billerica Road, Rm. 204

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman
Bernard Lynch, Town Manager

Michael F. McCall (Absent due to illness)

7:00 PM: Meeting called to order.

Open Session:

Zach Untracht of 9 Frank St. addressed the Board in open session. Mr. Untracht, a Westland's parent, wished to expand on a letter which he had sent to the board the prior week. He wanted the board to consider all of the space allocation options before spending the $311,000 on the central administration addition. He suggested combining the school administration in with town hall administration which would allow for leveraging of meeting space and would save money on the addition. It would also be in line with the current town consolidation efforts. Chairman Eliopoulos stated that some departments had been moved out already, but that there wasn't enough space to move in all of the school administration into town hall. He stated that this was originally the first plan and that an addition to town hall had been considered about a year and a half ago, but that it would require the loss of parking spaces.

A second topic which Mr. Untracht wished to address is the proposed Chapter 70 reform. He stated that when you looked at the formula it actually made sense and was fair. It looks at the aggregate resources for a town and also looks at the number of families with school-aged children as a percentage of the town. Those with more school aged children get more funding. Those with fewer resources to spend on education get more funding. Those with low resources and high enrollment would get the most. Mr. Untracht explained why certain communities get more funding than Chelmsford. Westford, for example, has 48.8% school-aged families whereas Chelmsford only has 34.4% in the 2000 census. Even though the average income for Westford may be higher than that of Chelmsford, the formula looks at the aggregate income and aggregate property value rather than the average and Chelmsford has more aggregate resources to pay for education.

Mr. Untracht suggested that Chelmsford should look at their demographics and use of limited land and should target bringing in families with school aged children since the greater percentage of school-aged children the more Chapter 70 money the town would receive. He stated that 100 new students would result in ¾ of a million dollars in

additional funding. With Chapter 70 Reform being considered, he thought that this was the time for Chelmsford to put some plans in place. Selectman Dalton asked if he had any ideas on how to implement a change in the town demographics. Mr. Untracht did not. Mr. Lynch stated that there were a number of proposals for reform to Chapter 70 and it was difficult to know where it was going. He noted that the town could consider plans to encourage home sales to school-aged families such as developer incentives. The revenues they bring in should be weighed against the costs of servicing them.
He stated that the best way to attract parents with young children was to spend more on education. The issue with that is that it is uncertain if the town did spend more on education and attract more school-aged families whether the commonwealth, in turn, would stick to the formula and increase the funding which Chelmsford receives.

Public Service Announcements:

The Board of Selectmen presented Frank Warren with a certificate of appreciation for his more than 20 years of service as the animal control officer to the town of Chelmsford. Mr. Warren served as the animal control officer from July 8, 1985 to February 3, 2006 when he retired.

Approval of the Minutes – October 3, 2005:

Motion: Selectman Dalton made a motion to approve the minutes of October 3, 2005. Selectman Newcomb seconded the motion. Selectman Chase amended the motion to include the following correction: On page two under meeting minutes Selectman Dalton is shown as having made and seconded a motion. Selectman McCall should be shown as having seconded the motion. Motion to accept the minutes as amended unanimously carried.

Town Manager Reports:

Mr. Lynch reported that there are currently two open positions within the Town. He is looking for a police chief to replace Chief McCusker who is retiring. He is also looking for a new Director for the Council on Aging to replace Marty Walsh who is also retiring. Mr. Lynch expects to have these appointments ready for the board on February 27.

Town Manager FY 06 Goals Status:

Mr. Lynch stated that he was updating his goals for the current year for a Board of Selectmen meeting in March. Mr. Lynch presented his Budget for FY07 to the Finance Committee last week. He stated that it was early in the budget process and he would need to return in March to present his modifications.

Mr. Lynch reported some of the highlight from the budget as follows:

Balanced Budget: Things have improved from the originally projected $4.2 million shortfall. Mr. Lynch was able to present a balanced budget to the Finance Committee. However, there are still some issues to work through such as the Charter School being some $250,000 more than anticipated and a number of differences between what departments asked for and what he has budgeted for them.. The differences within the school budget request and budget he presented is about $800,000 and the differences for non-school departments is about $300.000.

Revenues: Mr. Lynch stated that state Aid has declined as a percentage of the town revenue for a number of years. It had been at 25% and is now at just under 16%. As a result, the portion of revenues coming from local taxes becomes an increasing percentage of the town's revenues. This is not just an issue with Chelmsford, but is the case statewide. Chairman Eliopoulos commented that with property taxes continuing to rise each year, in some cases, this affects those least able to afford it. The total state aid did increase by approximately 9.3% over the FY2006 budget. The largest increase comes from the uncapping of the lottery. This resulted in an increase from the lottery of somewhere between $500,000 and $600.000.

Available Funds: Mr. Lynch emphasized how important it was to maintain the stabilization fund and stick to the plan to get the fund as close to $2 million as possible which requires adding to the stabilization fund in FY07. Selectman Dalton asked if he had any idea of the free cash figure yet. Mr. Lynch said that it was much too early to suggest a figure. Selectman Newcomb asked about the carry over of free cash from last year. Mr. Lynch said that there had been a little carry over last year, but it had been more the year prior to that.

Expenses: Overall expenditures are projected to increase a little over 2 % over the prior year. Energy and utility costs are projected to increase by about 40%.

Elections:
Next year will be a state election which costs about $22,000. Mr. Lynch stated that a local election is about $12,000. Selectman Dalton asked if the local election could be combined with the state election to save the $12,000. Chairman Eliopoulos stated that you can't combine state and local elections.

Fire and Police:
Both the fire and police department budgets have increases from the union arbitration settlements from FY04 – FY06. Negotiations will have to begin again in July for both departments. Mr. Lynch noted that the police budget includes the elimination of 2 full-time patrol officers and 1 deputy chief and the fire department includes the elimination of 1 full-time firefighter.

Snow and Ice: The snow and ice budget is currently $460,000 and is being increased to $500,000. Last year it ended at a $500,000 deficit. Mr. Lynch stated that we were almost out of money in the snow and ice budget for this year. Just buying the salt to start the year is about $150,000. A small storm can cost between $60,000 and $70,000. Selectman Dalton asked how many years we have stayed below the snow and ice budget. Mr. Lynch stated that perhaps 2 times in the last 10 years. He noted that efforts were being made to properly budget at real dollar amounts for items such as the snow & ice budget, rather than to under-budget and rely on free cash.

Recycling: Mr. Lynch stated that there was an increase of $59,000 in the waste disposal budget and there is no savings in his budget for the new recycling by-law as it is too early to factor any savings in. He has budgeted based on a stable volume with no assumption of any reduction in the tonnage. If the tonnage goes down this year, then the number should go down in next year's budget. Mr. Lynch noted that the recycling bins were rapidly leaving town hall which indicated that residents were increasing their recycling efforts.

Cemetery Commission: The cemetery commission changed lot sales split from 30/70 to 50/50. With 50% of sales revenue going to the town, the cemetery is budgeted to fully cover the cost of their basic expenses and a good portion of the salaries. Due to the two historical landmark cemeteries, the cemetery commission will never be 100 percent self sufficient, but they will be very close.

Municipal Facilities: The 3 new positions for HVAC are not funded and have been put on hold. For now, the town will stay with the HVAC service contract. There is an increase of $30,000 for the purchase of 3 new vans.

Human Services: The human services budget includes full time funding for the Veteran's Agent, an increase of $13,500 in Veteran's benefits and all funds for salary adjustments. The new Council on Aging Director is budgeted at a slightly lower level.

Community Enrichment: Remains the same. Much of this is funded from user fees.

Board of Health: Level funded with 1 full time inspector and elimination of a part time nurse.

Library: The library budget is exactly what is needed to retain certification to remain a member of the consortium and to maintain state aid.

Budget Busters: Mr. Lynch identified four major budget busters for FY2007, which are:

- Health insurance increased by 13% (net impact of adding $800,000 to the budget)
- Middlesex retirement increased by 15% (net impact of adding $500,000 to the budget)
- Utilities and fuel increases of 35-40% (net impact of adding $465,000 to the budget)

- Education assessments ($200,000 for Nashoba and $238,000 for tuition/Charter school)

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Concerns and Questions:

Mr. Lynch stated that there were a number of big issues which were still of concern including:

- The affordability of health insurance now and in the future
- GASB 45 unfunded liability on the horizon
- Collective bargaining for FY2007
- Retirement costs
- The use of the stabilization fund

He noted that there were also a number of questions which needed to be answered including:

- Final figures needed for Tuition/Charter Assessments
- Final figures needed for Nashoba Assessment
- IAC meeting results and the possible increase in co-pays
- Final numbers for other insurances
- Adoption of state budget and what Chelmsford will receive in state aid
- Local receipts review - MVX

Town Manager Appointments:

Animal Control Officer

Mr. Lynch appointed Erik Merrill of 23 Maple Road in Chelmsford to the position of Animal Control Officer for the Town of Chelmsford. This appointment is to fill the vacant position from the retirement of Frank Warren.

Selectman Dalton made a motion to approve the Town Manager appointment of Erik Merrill as Animal Control Officer. Selectman Newcomb seconded the motion. The motion carried unanimously.

Local Emergency Planning Committee

Mr. Lynch appointed Susan Rosa of 13 Kelshill Road in Chelmsford to the Local Emergency Planning Committee as a member for the Town of Chelmsford for an unexpired term ending June 30, 2006.

Selectman Dalton made a motion to approve the Town Manager appointment of Susan Rosa to the Local Emergency Planning Committee. Selectman Newcomb seconded the motion. The motion carried unanimously.

Veterans Agent

Mr. Lynch appointed Regina Jackson of 3 Essex Place in Chelmsford to the position of Veteran's Agent for the Town of Chelmsford, effective March 17, 2006. There was a change in the law which used to require the Veteran's Agent to be a veteran with combat experience. This law has changed removing the requirement. Marty Walsh, who is retiring, is currently the Veteran's Agent of record. Ms. Jackson is currently the Veteran's Agent assistant. With the change in law and Mr. Walsh's retirement, this appointment will make Ms. Jackson the full-time Veteran's Agent.

Selectman Dalton made a motion to approve the Town Manager appointment of Regina Jackson as Veteran's Agent. Selectman Newcomb seconded the motion. The motion carried unanimously.

Community Action Program Committee

Mr. Lynch appointed Kellie Hebert of 27 Gertrude Avenue in Lowell to the Community Action Program Committee as a member for the Town of Chelmsford for an unexpired term ending June 30, 2006. This appointment will replace Andy Sheehan.

Selectman Dalton made a motion to approve the Town Manager appointment of Kellie Hebert to the Community Action Program Committee. Selectman Newcomb seconded the motion. The motion carried unanimously.

Town Manager Bids and Contract Awards:

School Central Administration Building

The consolidation discussions between the town manager and school superintendent have progressed to the point where Mr. Lynch feels comfortable moving ahead with the award of the contract for the School Central Administration project. He feels that there is a need and the bid is a good price. He is recommending that Chelmsford award the bid of $311,000 to Triumph Modular of 195 Ayer Road in Littleton for 4 modular units for school central administration.

Motion: Selectman Dalton made a motion to approve the contract award of $311,000 to Triumph Modular of 194 Ayer Road of Littleton for the Central Administration School Project. Selectman Newcomb seconded the motion. The motion carried unanimously.

Scheduled Business:

Application of One-Day All Alcohol License for St. Vartanantz Church:

Ms. Rosette Jacobson of 91 Old River Road in Andover addressed the Board of Selectman. She had sent the Board of Selectmen an application for a one day alcohol license for Saint Vartanantz Church located on 180 Old Westford Road in Chelmsford. The license was for an annual Mardi Gras event to be held on February 25, 2006 for the hours of 5:00 PM until midnight.

Motion: Selectman Dalton made a motion to approve a one day all alcohol license for Saint Vartanantz Church for February 25, 2006 from the hours of 5:00 PM until 12:00 AM. Selectman Newcomb seconded the motion. The motion carried unanimously.

Unscheduled Business:

Special Municipal Employees:

Clare Jeannotte who is a member of the Finance Committee would like to accept a part-time position working for Nashoba. She is requesting an exemption to remain on the Finance Committee, which is not compensated, at the same time she works for Nashoba as a part-time employee. Mr. Lynch stated that there are two ways to do this. The first is under 268A section 20B in which the positions have to be completely independent and the contract has to be advertised and Ms. Jeannotte has to file a statement disclosing her interest. She would be able to work up to 500 hours per calendar year. The position should run 3-4 weeks, so should remain under the threshold. The Board of Selectmen would need to vote to approve this work. The second way would be to declare all Finance Committee members special municipal employees. Chairman Eliopoulos stated that if, per chance, the Nashoba position became permanent she would resign her position with the Finance Committee.

Motion:

Selectman Dalton made a motion to make a special exemption under 268A section 20B for Ms. Jeannotte. Selectman Newcomb seconded the motion. The motion carried unanimously.

Poll Hours:

Chairman Eliopoulos asked if the board wanted to set the polling hours at this time.

Motion:

Selectman Dalton made a motion to set the poll hours to 7:00 AM until 8:00 PM for April 4, 2006. Selectman Newcomb seconded the motion. The motion carried unanimously.

Candidate Welcome Meeting:

Chairman Eliopoulos stated that he would like to invite selectman candidates to come before the Board of Selectmen for about five minutes each during the last meeting in February. This would be a candidate welcome meeting. Since both Selectman Dalton and Selectman Eliopoulos are running, Selectman McCall will chair that portion of the meeting.

Selectman Referrals:

Selectman Newcomb made the following referrals:

1. There is a question as to if the school department using a non-school building could cause issues. The Department of Education was looking for some documentation that it was not an issue. In order to avoid problems, Mr. Lynch suggested that the cleanest thing to do would be for him to authorize the school department to use the building.

   Motion:

   Selectman Dalton made a motion to endorse the Town Manager's authorization of the school department's use of the old police building at 230 North Road for the purpose of school administration. Selectman Newcomb seconded the motion. The motion carried unanimously.

2. Selectman Newcomb asked if the poll was still on Golden Cove Road and what the status was. Mr. Lynch stated that it was still there and several calls have been made. They are working on it, though it has been put off until March.

3. Selectman Newcomb noted that a number of constituents have asked about the bike path. He asked what the status of the project was. Andy Sheehan had stated to Mr. Lynch that they had awarded a new design contract and work is set to begin in late 2006. Mr. Newcomb requested a regular update or report on this project.

4. Selectman Newcomb also requested a report on the sidewalk construction. Mr. Lynch stated that he expected information from Jim Pearson's office regarding the status in early March.

Selectman Dalton made the following referrals:

1. Selectman Dalton had been told that while Richardson Road is a low salt area there are reports of trucks putting salt there. Mr. Lynch will check into this.

2. Selectman Dalton has been hearing that with the new recycling by-law that people would like recycling to be picked up weekly, rather than by-weekly. Mr. Lynch stated that it was a fixed cost of what we paid for the recycling pick up. He noted that most towns do recycling every other week and not weekly. He noted that it hadn't made sense to change this in the past, but that they could look into it.

Chairman Eliopoulos stated that the best bet was to use large containers with the stickers which were available. Selectman Dalton asked if the town would consider clear bags for trash. Mr. Lynch stated that it was not currently under consideration. Selectman asked what would happen if we exceed our tonnage. Mr. Lynch stated that there was no limit and the only benefit would be reduced tipping. He has discussed possible regional sold waste strategies at area town managers meetings. Currently the recycling vendor assumes all of the risk and also reaps all of the benefits from our recycling. Selectman Newcomb asked how many years we were locked into our current contract. Mr. Lynch said that we had 2 more years with the option to continue.

3. Selectman Dalton asked about benchmarking with other communities to compare our costs of providing services and our revenues, etc. to see if we were at or above other communities in terms of our expenditures. Mr. Lynch stated that a working session to go over some of these statistics would be useful.

Selectman Chase made the following referrals:

1. Selectman Chase thanked Mr. Untracht for his comments in open session. He had read his email and had given his premise regarding the Chapter 70 formula some thought and was interested in spending some more time with Mr. Untracht discussing this issue.

2. Selectman Chase stated that the Finance Committee meetings were under-attended and they were the best meetings to attend to get a sense of how the department heads were coping with the constraints placed upon them and to hear the rationale for the requests which they make. He urged the public to attend these meetings.

3. Selectman Chase noted that usually school meetings are fairly well reported in the newspaper. The latest report noted that the school superintendent was proposing plan 3B which does not include the closing of the Westland's school. Several members wanted to know if the commitment to the night school would be maintained as it would be required for some to assure that they graduate. The school superintendent indicated that this program would remain intact. Selectman Dalton asked why there was such an interest in the night school program. Selectman Chase stated that it was a program which supported students who otherwise may not graduate. Selectman Chase also reported that the superintendent was satisfied with the progress made during his discussions with the town manager regarding consolidation and streamlining. A report will be given tomorrow evening at the cost-reduction meeting at 5:30 PM.

Chairman Eliopoulos made the following referrals:

1. Chairman Eliopoulos and Mr. Lynch met with the new commissioner of Massachusetts Highways. There were some 20 to 25 people attending the

meeting. The main issue was sound barriers. The commissioner is coming out to Chelmsford to view the site at Route 40 at the end of February and there will be a follow-up meeting in March.

2. Chairman Eliopoulos attended the League of Woman voter's legislative night last Wednesday. The suggestion was made to put together a change to section 40B just for Chelmsford. They think that they can develop a small sub-group to see if there is tweaking that can be done to 40B. They would like to look at affordable housing and 40B issues for Chelmsford. There are numerous bills and Chelmsford can perhaps piggy-back off of another bill from another community.

3. Winterfest was this past weekend. The opening dance was well-attended. Even though the weather wasn't the best for all of the activities, it was still a success. Mr. Lynch thanked those who helped to work on the events. He especially wanted to thank Joyce Johnson who did the catering and Evelyn Thoren who did the decorating for Friday night.

Press Questions:

The question was asked if the search for a new police chief was being conducted externally or if they were looking within the department. Mr. Lynch stated that he was looking within the department.

The next meeting is scheduled for February 27, 2006.

Motion:

Selectman Dalton made a motion to adjourn the meeting at 8:45 PM. Selectman Newcomb seconded. The motion carried unanimously. The meeting adjourned at 8:45 PM.

Respectfully submitted,

Pamela Morrison

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

February 27, 2006

7:00 p.m. Call to Order

Public Service Announcements

- Chelmsford Scholarship Fund Month
- Chelmsford High School Alumni Association – Hall of Fame Induction

Open Session

- Candidate Night
- Presentation – Commemorative 350th Sundial – Jeff Hardy

Town Manager

- Reports
- FY 06 Goals Status
- Town Manager Appointments
  - *Council on Aging Director*
- Town Manager Bids and Contract Awards
  - *Red Wing Farm*

Scheduled Business

7:30 p.m. **Police Chief Appointment – Town Manager**

7:35 p.m. **Common Victualer License – Mediterranean Buffet**

7:40 pm **One-Day Beer and Wine License – St. John's**

7:45 p.m. **Presentation on Parkhurst/Smith St. Intersection - Trish Domigan**

Unscheduled Business

- *Board of Selectmen Appointment - Deputy Constables*
- *Spring Town Meeting Warrant*

Press Questions

Executive Session

Next Regular Meeting: March 6, 2006

***** This meeting is televised. *****

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, February 27, 2006
50 Billerica Road, Town Hall

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman
Bernard Lynch, Town Manager

7:05pm
Chairman Eliopoulos called the meeting to order and temporarily relinquished his seat to Selectman McCall in order to address the residents in 2006 Candidates' presentations.

BOS Candidates Presentations:

1. Alex Buck thanked the Board and his opponents for the opportunity to speak. Mr. Buck stated that his purpose in running for Selectman was to engage the public, unite the community, ensure communication, and to employ fresh ideas and perspectives. Mr. Buck proposed to work for solutions to the tax problems and continue the grassroots efforts in town. Mr. Buck wanted to bring the community together and hoped to lead the town to new solutions. Mr. Buck stated he has related professional experience and is currently a member of the School Building Committee and the Charter Review Committee. Mr. Buck invited residents to join him March 10th at the Chelmsford Country Club and Tuesday Nights at 5:30pm at the Java Room. Mr. Buck concluded by stating he believed he brought new and fresh ideas with his candidacy.
2. William Dalton thanked the Board for the opportunity to speak and it was his honor and privilege to serve the community for the past twelve years. Selectman Dalton outlined his accomplishments over the past twelve years including support for increasing the stabilization fund, the new police station and the new Center School. Selectman Dalton stated that with the current financial problems he would work to make the right choices. Selectman Dalton stated that he has worked hard, has spoken openly over the years and that people know where he stands.
3. Philip Eliopoulos thanked the Board and stated that he and his wife are both life long residents of Chelmsford, and is a graduate of Chelmsford High. Selectman Eliopoulos also received his Bachelors Degree from Boston College and his law degree from Suffolk Law School. Selectman Eliopoulos thanked the town of Chelmsford for his nine years as their Selectman. Selectman Eliopoulos stated that he has served as chair over the past year, during the town's 350th celebrations. Selectman Eliopoulos stated that he has been proactive with senior issues, a school advocate, has focused on the financial strength of the town and the town's infrastructure. Selectman Eliopoulos asked the residents to join him March 5th at the Chelmsford Country Club.

Town Manager Appointments:
Mr. Lynch requested that the Board approve his appointment of Diana Ryder to the Human Service Director for the Senior Center. Mr. Lynch stated that Ms. Ryder has extensive experience and would do an excellent job.

> **Motion:** Selectman Dalton made a motion to approve the Town Manager appointment of Diana Ryder as Elder Services Director. Selectman Newcomb seconded the motion. Motion unanimously carried.

Chairman Eliopoulos resumed his seat as chairman.

Chelmsford High School Alumni Association-Hall of Fame:
George Simonian, of the Alumni Association, announced the 16th annual Hall of Fame Induction ceremony at the Double Tree in Lowell at 6:00pm on March 25th. If people want tickets they should call Mr. Simonian at 978-256-3100. Mr. Simonian stated the following people would be inducted into the Hall of Fame:

1. William A. Christman, Teacher/Coach
2. Patricia Craig Dearborn, Class of 1961
3. Virginia Butler Eno, Class of 1963
4. James C. Gravelle, Class of 1963
5. Denise Emanouil Marcaurelle, Class of 1976
6. Amy Provencal McGuigan, Class of 1981
7. Daniel R. McLeod, Class of 1961
8. Anne O'Sullivan O'Bryant, Class of 1971
9. Richard E. Wright, Class of 1953

Presentation—Commemorative 350th Sundial, Jeff Hardy:
Mr. Hardy explained that there had been discussion to have a standing memorial for the 350th Celebration year and a sundial was created to sit in the center of town. The piece would be a working sundial with the town seal and would be placed in the spring. Mr. Hardy thanked everyone in the town for all of their support and hard work.

Chelmsford Scholarship Fund:
Selectman Dalton read into the record a proclamation that stated that the month of March 2006, would be proclaimed as the Town of Chelmsford Scholarship month and called upon all citizens to participate in its annual fund drive.

Neil Lerer, resident- 4 Manahan Street, President of the Chelmsford Scholarship Fund, stated that over $933,000 dollars has been distributed by the fund. The Scholarship fund distributes awards based on need, achievement, college acceptance and character, and all of the money is donated by citizens as well as businesses in Town. Last year fifty two awards were given out, totaling over $50,000. To make a donation people should send it to PO Box 296 Chelmsford, MA, or contact Terry Gallagher, the Assistant Treasurer and Vice President of the Fund. Mr. Leher thanked the Board and citizens for their efforts.

Open Session:
Chairman Eliopoulos asked if there was anyone to speak during open session. No one spoke.

Police Chief Appointment:
Mr. Lynch reported that a new police chief was being appointed after the many years of exemplary service by Ray McCusker. Mr. Lynch asked the Board to approve his appointment of Deputy Chief James Murphy as Police Chief. Mr. Lynch noted Mr. Murphy's experience and how during interviews all of the officers believed Mr. Murphy was the right person for the job.

> **Motion:** Selectman Dalton made a motion to approve the Town Manager appointment of James Murphy to Chief of Police of the Town of Chelmsford. Selectman McCall seconded the motion. Motion unanimously carried.

Betty Delaney, Town Clerk, officially swore in Mr. Murphy to police chief to the town of Chelmsford.

James Murphy thanked the Board for the appointment and commented on the great department he would serve. Mr. Murphy stated that Chelmsford was a safe town to raise a family. Mr. Murphy pledged to work with new crime defensive strategies and wanted the best trained and best equipped department. Mr. Murphy stated that the police department does a great job and usually does not get the recognition it deserves. Mr. Murphy stated that the police department's responsibility was to the quality of life in Chelmsford and to meet the needs and concerns of the community. Mr. Murphy thanked his family and friends for their support.

Common Victualer License—Mediterranean Buffet:
Reem Mikhael requested a Victualer license for his restaurant.

> **Motion:** Selectman Dalton made a motion to approve the Common Victualer to the Mediterranean Buffet; Mon-Sat 7:00am to 10:00pm and Sundays 8:00am to 9:00pm, contingent upon the occupancy and food service permit. Selectman McCall seconded the motion. Motion carried (4-0) with one abstention from Chairman Eliopoulos due to conflict.

Selectman Newcomb asked if the floor plan is being changed. Mr. Mikhael stated that there would be no changes in the floor plan but there may be additions later but he would check with the building inspector. Mr. Lynch stated that the Board of Health has approved the café. Mr. Mikhael stated that the name may change from buffet to café. Selectman Newcomb asked when the anticipated opening would be and Mr. Mikhael replied that it is planned to open in March.

One Day Beer and Wine License—St. John's:
Jane Sockey, 5 Jefferson Road, Tyngsboro requested an all alcohol license on March 18th for the annual St. Patrick's Day event.

Motion: Selectman Dalton made a motion to approve the all day alcoholic license for St. John's Church 15 Middle St. North Chelmsford, on March 18, 2006, from 6:00pm to midnight. Selectman McCall seconded the motion. Motion unanimously carried.

Selectman Newcomb asked if there was TIPS certification. Mr. Lynch responded that they were certified.

Town Manger's Appointments—Deputy Constables:

Motion: Selectman Dalton made a motion to approve the following people as Deputy Constables:

1. Judith Goffin, 19 Cathy Rd., Chelmsford
2. Kevin Whippen, 168 Groton Rd., Chelmsford
3. Joseph Connell, 3 Connell Dr., Westford
4. Mathew St. Hilaire, 11 Cross St., Chelmsford
5. Francis Fraine, 24 Floyd St., Billerica
6. Ken White, 22 Mt. Auburn, Chelmsford

Selectman McCall seconded the motion. Motion unanimously carried.

Selectman Chase asked for explanation on the reason why appointments were not residents. Mr. Lynch stated that the Constable makes the recommendation to the Board and that there is no reason the deputy constables can't be from out of town.

Town Manger's Bids/Awards-Red Wing Farm:

Mr. Lynch explained that the Town acquired the Red Wing Farm property with grant money received through the Route 3 project with the sole purpose of obtaining the open space behind the Red Wing property. The Town did not have interest in holding the house on the property. Mr. Lynch noted that there were also restrictions on the sale to maintain the property as an historic structure. Mr. Lynch requested that the Board approve a sale to Robert and Johanna Morse for $246,000 with a closing on March 14th.

Motion: Selectman Dalton made a motion to bid for Red Wing Farm to Robert and Johanna Morse for $246,000. Selectman McCall seconded the motion. Motion unanimously carried.

Selectmen Referrals:

Selectman Chase made the following referrals:

1. Selectman Chase reported that FinCom would be reviewing the capital budget at 7:30pm room 205, (no date given).
2. Selectman Chase referred to calls that were received concerning the North Chelmsford Water Department and items found on the property. Selectman Chase stated that he and Selectman Dalton went to the site to look into the situation. Selectman Chase reported that the Town Manger was contacted. Mr. Lynch discussed the issue of why the gates to the yard were open. Mr. Lynch stated that it was expected to snow that day, and DPW crews were working to assist the East Chelmsford Water District on a water break; and that is why the gates were open. Mr. Lynch stated that he looked at pictures of the site and spoke with the DPW director. Mr. Lynch also mentioned that the Board of Health

Director was also notified of the situation. Mr. Lynch noted that the material present was not hazardous and there was no threat to the water. Mr. Lynch stated that items picked up throughout town accumulate there and the dumpster is in need a being emptied. Selectman Dalton stated that he would like to see the area picked up. Selectman Dalton also asked why the town sweepers were being stored outside. Mr. Lynch stated that the equipment being used for the winter are kept warmer inside.

Selectman McCall stated that his main concern was that the gate was open, and it could lead to people dumping on the site. Mr. Lynch noted that the policy is that when the yard is not being used it is locked and secure. Selectman Chase asked how often the water is tested. Mr. Lynch stated that water was tested annually.

Selectman Dalton made the following referrals:

1. Selectman Dalton asked about the meeting with the fire union on the ambulance proposal. Mr. Lynch stated that he was impressed with the presentation and other towns are being looked at that have done town run ambulance service. Mr. Lynch reported that he was checking the numbers given and would come back to the Board with ideas in the near future.

Selectman McCall made the following referrals:

1. The Community Preservation Committee met recently. Selectman McCall also noted his attendance at the meeting for Section 19.

Selectman Newcomb made the following referrals:

1. Selectman Newcomb informed the Board that there would be a ground breaking ceremony on February 28th at 3:00pm at the High School, and the public is invited to attend.
2. Selectman Newcomb reported that he and Mr. Lynch, Mr. Buck and Pat Mahoney attended a meeting with a representative from the School Building Assistance Program (SBA). Selectman Newcomb noted that Representative Geoff Hall and Senator Fargo along with other representatives were also in attendance. Selectman Newcomb stated that the meeting was informative and explained how to apply to the SBA's reimbursement program. Selectman Newcomb informed the Board that the Town can apply for reimbursements for the auditorium as well as other capital planning projects, on a retroactive basis.
3. Selectman Newcomb reported that the Revenue Subcommittee has met and would report at the next joint meeting. Selectman Dalton noted that the Cost Saving Subcommittee has also met and would report at the next joint meeting. Mr. Lynch stated that at the next joint meeting the benchmark report would be presented, as well as a FY08 forecast.

Chairman Eliopoulos made the following referrals:

1. Chairman Eliopoulos informed the Board that he and Mr. Lynch met for a second time with the Commissioner of MA Highway. The primary focus of the meeting was the Town sound barriers as well as surplus property. There is a house on

Main Street that has the potential for affordable housing and a property on Drum Hill that could have economic potential. Chairman Eliopoulos also discussed that at the meeting there was talk about restriping and signing the pavement at Drum Hill.

2. Chairman Eliopoulos stated that the area near interstate 495 was discussed and its public safety issues.
3. Chairman Eliopoulos reported on the low salt zones in town and on Route 3 and was concerned with the water.

Town Warrant:

Mr. Lynch went through the articles of the Town Warrant with the Selectmen.

Press Questions:

Chelmsford Independent:

1. Asked the proximity of the trash on the highway department site to the water department. Selectman Dalton stated that the water department was across the street and posed no hazard but that he received calls on the trash that had accumulated and the gate being open at the DPW site.
2. Asked Selectman Newcomb where the reimbursement money would go once received. Selectman Newcomb stated that a credit would be toward the thirty one million dollar exemptions and would mean less money paid by the taxpayers. Once the reimbursement is received Selectman Newcomb assumed it would go into free cash. Mr. Lynch stated that the finance director is currently looking to receive money that was slated to come to the Town due to small projects, and this would be one-time money to go into the stabilization fund.

Motion: Selectman Dalton made a motion to adjourn at **8:57pm**. Selectman McCall seconded. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN Joint Meeting with the School and Finance Committees
Thursday, March 8, 2006
Senior Center, Groton Road

Attending Board of Selectmen:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman
Bernard Lynch, Town Manager
Kerry Speidel, Finance Director

Attending School Committee:
Angelo Taranto, Kevin Porter, Evelyn Thoren, Kathy Duffett, Karen Mazza, and Tom Mills, Dr. Richard Moser, School Superintendent, Bob Cruickshank, Business Office Manager

Attending Finance Committee:
Joan Kurland, Mary Frantz, William D Fulton, David Turocy, Clare Jeannotte, Derek Donegan

7:00 pm
Opening Comments:
Chairman Eliopoulos, Chair of Board of Selectmen, called the meeting to order, and gave a brief overview of the meeting.

Bernard Lynch, Town Manager:
Mr. Lynch stated that news was positive for the Town, and the projections for the budget are getting better. Mr. Lynch noted that back in the fall, when the three groups met, the projections were unfavorable. Mr. Lynch reported that there is still a shortfall of $856,000. Mr. Lynch reported that the lottery money will be uncapped, which will help the Town.

Mr. Lynch reported that health insurance cost have increased 12%, which was originally projected to increase by 25%. Mr. Lynch stated that he is working with employees to increase the co-pays, which will help the bottom line. Mr. Lynch reported that the numbers given did not include collective bargaining. Mr. Lynch commented that there have been cuts throughout the Town. Police, fire, highway, recreation are all departments sustaining cuts.

Dr. Moser, School Superintendent
Dr. Moser stated that the shortfall the school is seeing is on target with the Town's numbers. Dr. Moser reported that fixed cost increased, and balanced against the additional revenue the shortfall is $870,000. Dr. Moser reported that at the elementary

level, one teacher is being cut and class size is being maintained. There are also cuts at the middle and high school level. Dr. Moser stated that revenue through athletics at the middle and high school level is increasing.

Dr. Moser stated that salary increases are a major issue in the school department. Attracting and keeping teachers is also a major issue for the Town. Dr. Moser introduced a five-year forecast. Dr. Moser projected that FY12 has steady increases in special education, transportation; the school budget will be 54 millions dollars. Dr. Moser noted that a goal for the school department is to eliminate fees. Dr. Moser concluded by acknowledging that the next few years will be challenging for everyone.

Sub Committee Reports:

Mr. Turocy, Chairman of the Cost Savings Subcommittee

Mr. Turocy stated that the purpose of the Cost Savings Subcommittee was to identify savings from the list generated at the November 29, 2005, joint meeting. Mr. Turocy listed the members of the subcommittee: Dave Turocy, FinCom; William F. Dalton, Selectman; Samuel Chase, Selectman; Kathy Duffett, School Committee; Kevin Porter, School Committee; Bill Fulton, FinCom. The first task of the subcommittee was to categorize short and long term items, and then to prioritize them into the top six cost saving items. Mr. Turocy stated that the Town Manager and the Superintendent presented to the committee on what has been proposed to save money throughout the Town. The two areas that received the most attention were consolidation and health insurance. The committee found no sizable savings but found ways to make the town more efficient. Mr. Turocy commented there is an effort to make a single chart of accounts for the Town.

Selectman Thomas Newcomb, Chairman of the Revenue Subcommittee

Selectman Newcomb listed the members of the committee: Thomas Newcomb, Selectman; Michael McCall, Selectman; Thomas Mills, School Committee; Angelo Taranto, School Committee; John Kurland, FinCom; Derek Donegan, FinCom. Selectman Newcomb reported that each member was given assignments to research items in more detail.

1. Town Owned Land- The committee looked at surplus land, and found that any revenue from this would be one-time money.
2. A Town Run Ambulance Service plan was presented to the committee and needs a more detailed study.
3. The committee looked into library late fees as a way to generate revenue.
4. Other Town services have already been implemented in the Town and schools.
5. Traffic Enforcement: The committee spoke to the Chief of Police to discuss automatic cameras at intersections for people who run red lights. The proposal has generated some safety concerns.

The committee found that the Town is doing a good job maximizing revenue, and some areas need additional review.

Municipal Yardstick Report-Kenneth Strachan, Municipal Benchmarking, LLC:
Mr. Lynch stated that this study compares the Town with other communities, and introduced Kenneth Strachan to present the findings. Mr. Strachan stated that the reports purpose was to generate discussion. Mr. Strachan gave a brief history about his company, and the need for towns to have a resources to go to in their decision making process.

Mr. Strachan sited that there are fifteen different variables when looking at a community, such as population, density, and socio-economic status. These variables are then compared to other Towns. Ms. Franz asked if the data used is from the Department of Revenue (DOR). Mr. Strachan stated that DOR data is used, as well as data from the US census. Ms. Duffett asked if the Town is compared to a peer town or the state. Mr. Strachan responded that the Town is compared to the state and then, once the peer groups are established, the Town is compared to other peer communities. Mr. Strachan noted that all communities are unique.

Revenue/Expenditures:
Mr. Strachan stated that the data from the DOR is the most recent, from FY00-FY04, and it shows that Chelmsford has had a 17% growth; growing slower that its peers. Mr. Strachan noted that Chelmsford revenue is less per citizen that its peer groups and the next step is to look at why there is this difference.

Mr. Strachan commented that Chelmsford's town expenses have grown faster than its peers, but spending less per capita than peers. Differences were identified for the spending amongst peer groups: Accounting differences, structural differences in community and the where money is placed within the departments. Mr. Strachan commented that he was not pointing to what was good or bad spending practices.

Education:
Mr. Strachan reported that Chelmsford is spending more on education per capita than its peers, but per pupil spending is less than its peers. Mr. Strachan stated that he would return to the topic of education later in the presentation.

Police:
Mr. Strachan noted that the police department was only 6% of the budget but 91% of the police's budget is personnel. There are two questions then that need to be asked:

1. How many officers? Mr. Strachan stated that there is more police than the medium peer group per 1,000 residents.
2. What are the officers are paid? Mr. Strachan reported that Chelmsford has a higher base salary than its peers. Mr. Kurland asked if health insurance was a factor in the base number. Mr. Strachan stated that health insurance was not included in the base pay.

Fire:
Mr. Strachan reported that the fire department represents 4.1% of the Town's budget, which is higher than its peer group. There is a variety of choices the department makes in communities as to the service it provides. Mr. Strachan compared the town's fire stations to its peers and found that the median number of fire stations is 2.5. Chelmsford is larger in area than its peers, causing more stations to be needed.

Education continued:
Mr. Strachan stated that Chelmsford is spending more per capita in education than its peers but less per pupil. Mr. Strachan noted that the data from a report from the Department of Education was useful in comparing communities.

Mr. Strachan broke out the data into structural and non-instructional expenditures. Three ratios were noted in the analysis:

1. Average Teacher salary in Chelmsford; is lower than its peers.
2. What percentage of each dollar goes to the classroom teachers?
3. Student/Teacher ratio, which in Chelmsford is above the median of its peers.

Ms. Mazza noted that Chelmsford has a larger system than its peers, and therefore has particular needs that need to be met. Mr. Strachan acknowledged this difference and replied that there are some smaller towns with a more expensive superintendent that has to be divided amongst all of the students. Mr. Strachan stated that the purpose of the report is to ask better questions, and take additional steps to answer them.

Numbers under non-instructional expenditures were also broken down, and Mr. Strachan stated that there is a lot of granularity in the numbers because of the many variables that exist. Mr. Strachan pointed to the change in teacher staffing over the period of 2002-2004. Mr. Strachan stated that overall (instructional and non-instructional) staffing went up 4% over the two-year period, while its peers went up 3%. Mr. Strachan reported that instructional staff went up 2%, while its peers went down 3%. Mr. Strachan noted that teaching staff went down, while students increased.

Mr. Strachan reported that special education was a hot topic for districts and the Department of Education breaks down this data across the student body, which could be potentially misleading data.

Mr. Strachan stated that the outcomes were gathered through the MCAS scores. Mr. Strachan noted two different ways to look at the numbers:

1. Average Score Basis, which weighted the average and assigned a point system.
2. Ratio Success to Failure, for every 8 children that received an advanced score, one child failed in Chelmsford, which was lower than its peers.

Ms. Duffett pointed out that Chelmsford was doing better than its peers overall. Mr. Strachan stated that the overall ratings are better but there are some areas, when broken down, that Chelmsford is doing better and worse than its peers. Mr. Strachan suggested looking at the report and looking at the areas the Town is doing well and then to look at

the areas where the town is not doing well. Mr. Lynch stated that the report should be used as a tool as to how to look at how the Town spends its money.

FY08 Budget Preview:

Mr. Lynch stated that on the revenue side there is steady growth and for expenditures side there is also a 2% increase. Mr. Lynch projected of shortfall of 1.8 million dollars in FY08, which he reminded, was not a bad as last year's projections. Mr. Mills asked if these numbers included collective bargaining. Mr. Lynch replied that it did not.

Mr. Lynch noted that he was working on projections for the next joint meeting in June. Chairman Eliopoulos thanked everyone for coming and stated that the three boards would look into all the options listed.

Ms. Duffett commented on two areas of concern:

1. Having some form of the sub committees meet once a month then report back to respective committees on the issues being discussed. Chairman Eliopoulos replied that it was something to discuss.
2. Ms. Duffett asked about the one-time retirement expenses, and asked for more information on if this could be funded through free cash. Mr. Lynch pointed to additional monies that would come in were it used for major issues for FY07. Mr. Lynch reported that additional money was found in the operating budget. Mr. Lynch added that he was unsure of the free cash number and would not know until the fall. For FY06 the Town is running on zero and revenue is not exceeding projections and expenses are running faster than the budget. Mr. Lynch noted that in the past the school department has counted on free cash because non school departments would not spend up to appropriations; therefore generating free cash. Ms. Duffett commented that all of the Town shares in the wealth when times are good, and it should be the same in hard times as well. Chairman Eliopoulos stated that the discussion has not been taken off of the table because it is uncertain what free cash will be. Chairman Eliopoulos added that he was open to looking at free cash to fund one-time retirement expenses.

   Selectman Dalton stated that in regards to free cash a commitment needs to be made to the stabilization fund to maintain the bond rating. Chairman Eliopoulos stated that a report would be available soon on the sales of town owned land, which could supplement free cash. Mr. Lynch stated that it all depends on how much is available in free cash and that keeping the reserves up is a major issue for the Town.

   Chairman Eliopoulos thanked everyone for coming and closed the meeting at **9:39pm.**

Next scheduled joint meeting will be scheduled for June 2006.

Respectfully Submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

March 13, 2006

7:00 p.m. Call to Order

Public Service Announcements

- Chelmsford Vietnam Veteran's Memorial – Regina Jackson, Veteran's Agent

Open Session

BOS Meeting Minutes

- January 9, 2006 Regular Meeting *Tab 1*
- January 23, 2006 Regular Meeting *Tab 2*

Town Manager

- Reports
- FY 06 Goals Status
- Town Manager Appointments
- Town Manager Bids and Contract Awards

Scheduled Business

7:30 p.m. **Parkhurst/Smith St. Intersection - Trish Domigan , Jim Pearson** *Tab3*

7:40 pm **One-Day Beer and Wine License – Adams Library, Mardi Gras Night** *Tab 4*

Unscheduled Business *Tab 5*

- *Town Owned Land – Andrew Sheehan, Community Development Director*
- *Spring Town Meeting Warrant* *Tab 6*
- *Central Square Easement* *Tab 7*

Press Questions

Executive Session

Next Regular Meeting: March 20, 2006

***** This meeting is televised. *****

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, March 13, 2006
50 Billerica Road, Town Hall

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman
Bernard Lynch, Town Manager

7:03pm
Open Session:
Chairman Eliopoulos called the meeting to order and asked if there was anyone to speak during open session. No one came forward.

PSA:
Regina Jackson asked the Board to support a memorial that is to be erected for those men killed in Vietnam from Chelmsford. Ms. Jackson stated that public input is welcome and to call with any questions. Donations for the memorial can also be made for the memorial to the Chelmsford Veterans Office. The four fallen soldiers were Jon Bettencourt, Kenneth Hughes, Peter Blazonis, and James Dougherty. Mr. Lynch noted that the proposed memorial would be on the north common. Selectman Dalton mentioned that he had spoken to Representative Golden about the memorial and more information is being gathered on possible funding.

Minutes:
Selectman Chase had additional edits for the minutes, and requested that he give the corrections to the clerk. Chairman Eliopoulos stated that as long as the substance of the minutes was not changing additional editing corrections would be fine.

Motion: Selectman Dalton made a motion to approve January 9, 2006, meeting minutes, with typos to be given to the clerk by Selectman Chase. Selectman McCall seconded the motion. Amended: Jack Emerson change to Sewer Commission and on Page 3 the word "proceed" change to the word "priced". Motion unanimously carried.

Motion: Selectman Dalton made a motion to approve January 23, 2006, meeting minutes, with corrections to be given to the clerk by Selectman Chase. Selectman McCall seconded the motion. Motion unanimously carried.

Selectman Dalton asked for the materials given to the Board to be delivered much sooner than they are currently.

Town Manager Reports:
1. Marty Walsh is set to retire and Mr. Lynch wanted to wish him well.

Central Square Easement:
Mr. Lynch asked for the Board to approve the easement. Mr. Lynch asked Mr. Jim Pearson to address the Board. Selectman Newcomb asked if there were any changes in the intersection or any changes in the property lines. Mr. Pearson stated that there were no changes. Mr. Lynch stated that the biggest concern was the property lines.

> **Motion:** Selectman Dalton made a motion to accept the easement in Central Square. Selectman McCall seconded the motion. Motion unanimously carried.

Parkhurst/Smith intersection:
Mr. Pearson stated that what spurred the improvements was the number of accidents in this intersection. Trish Domigan, of VHB, and project engineer of the project stated that this intersection is higher than the state average for accidents. Ms. Domigan suggested lights here would be a good idea, as well as a sidewalk. Ms. Domigan pointed out that with the new shoulder width it will be a safer area for bikes. Selectman Newcomb asked if, in the future, sidewalks on Smith Street would be on the same side. Mr. Pearson stated that they would be.

Chairman Eliopoulos asked if there would be any land taking. Ms. Domigan replied that there would be. Ms. Domigan added that accidents were caused by poor sight distance; therefore Parkhurst Street was raised, so the sight distance was better. Ms. Domigan stated that the estimated cost of materials is 1.4 million dollars; adding that the state does not pay for design. Ms. Domigan stated that the design process would be complete by the end of the year.

Chairman Eliopoulos asked if the abutters have been notified. Ms. Domigan stated that all of the abutters would be notified and there would be a public hearing late in the spring.

One Day Beer and Wine License-Adams Library, Mardi Gras Night:
Kathy Cryan-Hicks, Adams Library representative, requested a one day beer/wine license for Saturday April 8, 2006. Ms. Cryan-Hicks stated that the theme of the evening was a New Orleans inspired Mardi Gras and tickets cost $75 at the door or to call for tickets.

> **Motion:** Selectman Dalton made a motion to approve the one day beer/wine license to the Adams Library for April 8, 2006, for the hours of 7pm-11:30pm at the Adams Library. Selectman McCall seconded the motion. Motion unanimously carried.

Town Owned Land-Andrew Sheehan, Community Development Director:
Mr. Sheehan reported that a list of town-owned land was generated and some are being proposed to be placed on the warrant. Mr. Sheehan went through each property identified.

1. Off Dunstable Road: Mr. Sheehan stated that this property was not buildable, and does not recommend for sale.
2. Off Oak Hill Road: Mr. Sheehan stated that the Town acquired this land ten years ago and does not recommend disposition at this time. Mr. Sheehan stated that access is limited.
3. Off Main Street: Mr. Sheehan reported that this property was split by the Rte 3 project and may be appealing to its abutter. Mr. Sheehan recommended this for disposition.
4. Off Groton Road: Mr. Sheehan stated that this was similar to the property off of Main Street in that it was split due to the Rte 3 project. Mr. Sheehan reported that it was not buildable but may be of interest to the abutters. Mr. Sheehan recommended this property for disposition.
5. Off School Street: Mr. Sheehan stated that this may be of interest to an abutter; therefore he recommended it for disposition.
6. Off Diane Lane: Mr. Sheehan stated that this piece of property was left by the I-495 project and may be of interest to an abutter. Mr. Sheehan recommended this property for disposition.
7. Off Cliff Road: Mr. Sheehan reported that this property was highly assessed and recommended it for disposition, and an abutter may be interested.
8. 15 Bentley Lane: Mr. Sheehan stated that wetland pass through this property, and is not buildable. Mr. Sheehan recommended this property for disposition.
9. 12 Bentley Lane: Mr. Sheehan stated that this property could have a possible modest 40 B project, which would increase the land. Mr. Sheehan recommended this property for disposition. Selectman Dalton asked if this would need to be rezoned. Mr. Sheehan stated that if it was a 40B, it would not need to be rezoned.
10. Off Billerica Road: Mr. Sheehan recommended this property for disposition, and commented that it may be of interest for abutters.
11. Monmouth Street: Mr. Sheehan stated that this was not recommended for disposition. The property is in an industrial area and a 40 B is possible.
12. Off Summer Street: Mr. Sheehan stated that this property was possible for development but recommended it for immediate disposition.
13. Off Mill Road: Mr. Sheehan stated that this property was adjacent to the next property and when combined with that property there is potential for development. Mr. Sheehan recommended this property for disposition.
14. Mill Road: Mr. Sheehan recommended this property for disposition and stated that the title for this property needs to be rechecked.
15. 27A Freeman Road: Mr. Sheehan stated that there is a structure on this site but it was never finished. There is no access to the structure, so in order to get vehicles to the property permission is needed from the abutter. Mr. Sheehan recommended this property for disposition.
16. 19 Maple Road: This is Red Wing Farm and closing is scheduled for this week. Mr. Sheehan recommended this item be removed from the disposition list.
17. 3A Stillwater Drive: Mr. Sheehan recommended this property for disposition and stated that it may be of interest to the abutters.
18. Off Park Road: Mr. Sheehan recommended this property for disposition and stated that it may be of interest to the abutters.

19. McFarland Field: Designs are being requested and bids are going out. It could be easier to sell if people could see what could be developed/
20. Shore Drive: Mr. Lynch stated that this went out to bid to see if there was any interest. Mr. Lynch stated that there is no sewer but there is public water.
21. Russell Road: Mr. Lynch stated that he was working with abutters. Chairman Eliopoulos suggested notifying all of the abutters on the water front side.

Mr. Lynch suggested a special town meeting warrant for those properties not ready to go on the April Town Meeting warrant.

Town Warrant:

Motion: Selectman Dalton made a motion to approve the warrant at the annual town meeting. Selectman McCall seconded the motion. Motion unanimously carried.

Selectmen Referrals:

Selectman Newcomb made the following referrals:

1. Selectman Newcomb asked about the poles out on Billerica Road. Mr. Lynch stated that he has spoken to Verizon but the pole has still not been removed. Selectman Newcomb requested the current and past double pole reports from Verizon. Mr. Lynch also noted the issue with the town's center and the poles that are of concern. Mr. Lynch stated that this issue has been discussed with Town counsel.
2. Selectman Newcomb inquired about the current health insurance costs because of recent calls from retirees concerned about an increase in payments. Mr. Lynch replied that because of an unknown error the seniors were being undercharged for a long period of time. A letter went out to explain what had happened.
3. Selectman Newcomb commented on how he spoke to Jack Duffett, who is on the Board of Assessors, and Mr. Duffett sees a concern with how commercial properties are assessed. There will be a meeting with the Town of Tewksbury about the issue in April. Communities are coming together in the hopes of establishing a database on commercial sales to improve future assessments.
4. Selectman Newcomb commented on a program called Destination Imagination for kids. The Chelmsford team from McCarthy and Parker schools has advanced to the statewide competition.

Selectman McCall made the following referrals:

1. Selectman McCall commented that he had received call dealing with the health insurance for retirees.
2. Selectman McCall reported that the Community Preservation Committee had their annual public session.

Selectman Dalton made the following referrals:

1. Selectman Dalton reported that through further research with cameras at red lights there seems to be evidence that rear end accidents escalate.
2. Selectman Dalton commented that cars coming from Rte.110 into the town center are turning right when they shouldn't, and this needs to be looked into. Chairman

Eliopoulos asked what is happening with the yellow barrels in the center. Mr. Lynch stated that they will be removed and an island will be put in its place.

3. Selectman Dalton commented on the increase in tonnage from recycling in just one month. Selectman Dalton noted that some seniors may have a hard time bringing the bins to the curb.
4. Selectman Dalton was pleased with the benchmarking report at the joint meeting on March 8th, and stated that it showed the Town was doing what it is supposed to do.

Selectman Chase made the following referrals:

1. Selectman Chase commented that at the joint meeting it was proposed to keep some form of the subcommittees going once a month. Selectman Chase suggested using the existing liaison structure.
2. Selectman Chase noted that he also spoke with Jack Duffett, and he did not want to give the impression that assessments will increase with the new database. Selectman Chase was glad to see the effort for the regional database.
3. Selectman Dalton asked how a wireless network could impact the community. Mr. Lynch stated that the Town was looking into this idea and stated that it could possibly connect all municipals buildings.

Chairman Eliopoulos made no referrals.

Press Questions:

Chelmsford Independent:

1. Asked what the discussion was in executive session. Chairman Eliopoulos stated that it was a discussion about possible litigation with Comcast.

Motion: Selectman Dalton made a motion to adjourn at **8:56pm**. Selectman McCall seconded. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

March 20, 2006

7:00 p.m. Call to Order

Public Service Announcements

- Initiative for Local Aid

Open Session

BOS Meeting Minutes

- Regular Minutes – February 6, 2006
- Regular Minutes – February 27, 2006
- Executive Session Minutes – January 23, 2006

Town Manager

- Reports
- FY 06 Goals Presentation
- Town Manager Appointments
- Town Manager Bids and Contract Awards

Scheduled Business

7:15 p.m. **Joint Meeting: BOS, School Committee – Nashoba Valley Technical High School Committee Representative Appointment**

7:30p.m. **Sidewalk Plan Update- Jim Pearson, DPW Director**

Unscheduled Business

- **BOS Vote:** *Cable Contract Renewal*
- **BOS Vote:** *Red Wing Farm Deed and Preservation Restriction*
- **BOS Vote: :** *Special Town Meeting Warrant*

Press Questions

Executive Session

Next Regular Meeting: April 10, 2006

***** This meeting is televised. *****

TOWN OF CHELMSFORD-
BOARD OF SELECTMEN MINUTES
Monday, March 20, 2006
50 Billerica Road, Town Hall

Attending:
Philip M. Eliopoulos, Selectman Chairman
William F. Dalton, Selectman, Vice Chair
Michael F. McCall, Selectman Clerk
Thomas A. Newcomb, Selectman
Samuel Chase, Selectman

Bernard Lynch, Town Manager

7:03pm
Open Session:
Chairman Eliopoulos called the meeting to order and asked if there was anyone to speak during open session. No one spoke.

Minutes:

Motion: Selectman Dalton made a motion to approve February 6, 2006, meeting minutes, with corrected typos to be given to the clerk by Selectman Chase. Selectman Newcomb seconded the motion. Motion unanimously carried.

Motion: Selectman Dalton made a motion to approve February 27, 2006, meeting minutes. Selectman Newcomb seconded the motion. Motion unanimously carried.

Motion: Selectman Dalton made a motion to approve January 23, 2006, executive session minutes. Selectman Newcomb seconded the motion. Motion unanimously carried.

Initiative for Local Aid:
Laura McLaughlin, of the Initiative for Local Aid, discussed the recent lobbying efforts by the grassroots organization. Chairman Eliopoulos stated that another lobbying day is scheduled at the end of April. Ms. McLaughlin stated that the lobbying day would be held on April 26th during the "Stand for Kids" rally and urged residents to attend. Buses would be provided to transport residents to the State House for a small fee. Ms. McLaughlin also addressed a petition that is being drafted including other towns, and she encouraged everyone, including the Selectmen, to sign the petition. Chairman Eliopoulos suggested having the petition present at April town meeting. Also it was suggested that a letter be drawn up by the Town Manager and the Superintendent addressing Chapter 70 funding. Chairman Eliopoulos suggested a BOS liaison for the Initiative for Local Aid.

Joint Meeting-BOS, School Committee-Nashoba Valley Technical High School Committee Representative Appointment:

Dennis McHugh called the School Committee and the BOS to order to appoint the Nashoba Valley Technical High School Committee Representative. Mr. McHugh stated that there was one applicant.

Motion: Selectman Dalton made a motion to nominate Ralph Hulslander to the Nashoba Valley Technical High School Committee Representative position. Selectman McCall seconded the motion. Motion unanimously carried.

Motion: Selectman Dalton made a motion to close the nominations. Selectman McCall seconded the motion. Motion unanimously carried.

Motion: Selectman Dalton made a motion to appoint Ralph Hulslander to the Nashoba Valley Technical High School Committee Representative position. Selectman McCall seconded the motion. Motion unanimously carried.

Motion: Selectman Dalton made a motion to close the joint meeting of the Board of Selectmen and School Committee. Selectman McCall seconded the motion. Motion unanimously carried.

Mr. Hulslander thanked the Boards for their trust.

Town Manager Reports:

1. Mr. Lynch reported on the new artwork that is on display in the Town Hall. The artwork is from art students in Town.
2. Mr. Lynch reported that the MMA is hosting a regional meeting at the Old Town Hall. News was good regarding the uncapping of the lottery money, generating more state aid for the Town.
3. Mr. Lynch reported that on April 8th there will be a "Mardi Gras inspired" night at the library. The event will be a fundraiser for programs offered at the library with a portion of the proceeds benefiting a Hurricane Katrina related charity.
4. Mr. Lynch stated that work is continuing at Golden Cove Road and the pole should be removed soon.
5. Mr. Lynch reported that he is working with the superintendent on consolidation of the technical programs, and a site visit to Brookline is planned.
6. A report by the auditors is scheduled for April 10th.
7. Mr. Lynch reported that he would be visiting Chelmsford, England, and would deliver well wishes on behalf of the Town.

Sidewalk Plan Update-Jim Pearson, DPW Director:

Mr. Pearson discussed the sidewalks that have and will be built in the following areas of Town:

Center of Chelmsford:

Since 1991, 9.7 miles of sidewalk have been built, including Stedman Street, Dalton Street, and North Road. Streets that are eyed for the future are Summer and Warren Street.

North Chelmsford:
Mr. Pearson stated that over the years, areas where schools are located have taken priority. Mr. Pearson reported that Middlesex and Vinal Square have new sidewalks and are in good shape. Chairman Eliopoulos asked about Westford Road and its progress. Mr. Pearson stated that Westford Road is in progress to have a sidewalk and it is planned to have one on either side of the street. Selectman Newcomb asked if "in progress" meant on schedule for this construction season. Mr. Pearson replied that it means within the next few years.

West Chelmsford:
Mr. Pearson noted that as sewers are placed in this area it is on hold for sidewalks.

South Chelmsford:
Mr. Pearson noted that sidewalks on Concord Road would be a great connection to the center. Selectman Newcomb asked about Maple Road. Mr. Pearson replied that this intersection may be held up.

East Chelmsford:
Mr. Pearson noted Golden Cove has been completed. Turnpike Road was eyed for a sidewalk but expense was a factor; also there are significant land takings on Turnpike Road. Mr. Pearson stated that Warren Ave. was very similar to Turnpike Road.

Conclusion:
Mr. Pearson noted that 3.5 miles of sidewalk are in progress, 6 miles are noted for the future and 2 miles are scheduled for reconstruction. Mr. Pearson added that 85-90% of the work done has been done by Town efforts. Mr. Pearson stated that the projects have gone well and with few complaints from residents. There are recent pictures of construction on the Town web page. Mr. Lynch stated that in the past the Town was not keeping the infrastructure in line with the expansion of the Town.

Selectman Dalton asked if the Town owned Pond Street. Mr. Lynch replied that it was a public street. Selectman Dalton asked if there was a copy of the maps presented in a larger form. Mr. Pearson displayed a larger version of the map and stated that it could be displayed in the lobby. Selectman Dalton related a concern by a resident that gets flooding on Needham Street due to sewer construction. Mr. Pearson stated that he would look into the issue.

FY06 Goals Presentation:
Goal 1 Fiscal Stability
Mr. Lynch stated that the capital budget was complete, and health insurance and retirement costs are budget busters. Selectman Newcomb asked about the Town's bond rating. Mr. Lynch stated that there is potential for the bond rating to be affected if funds

are drawn down. Mr. Lynch noted that alternate forms of revenue are being looked into. Mr. Lynch reported that the town warrant has been completed.

Goal 2 Manage Town Growth
Mr. Lynch reported that the Town is pushing for an extension in the train line. At Drum Hill the focus is now on landscaping. Affordable Housing is also a continuous issue for the town. Mr. Lynch stated that the web page is continuously being improved.

Goal 3 Enhance Government Structure
The town charter presentation is anticipated for the spring. Mr. Lynch commented that on the web page there is a way for people to register complaints and for the complaints to be channeled to the correct people within the town government. Mr. Lynch also commented on the upgrade to the 911 service. Mr. Lynch reported on the BOS policy manual and the addition to other community's policies being placed into the manual.

Goal 4 Improve Public Infrastructure
Mr. Lynch discussed the completion of the roofing on schools and other municipal buildings. Mr. Lynch noted that the need for space for the DPW to create a centralized location was needed. Mr. Lynch also commented on the completion of the Master Plan and sidewalks being constructed.

BOS Vote Cable Contract Renewal:
Mr. Lynch reported that nothing has changed since the Board last met, in regards to the cable contract. Mr. Lynch reminded the Board that the Town does not negotiate rates just the service.

> **Motion:** Selectman Dalton made a motion to approve the cable contract to Comcast of Southern New England Inc., effective March 27, 2006. Selectman McCall seconded the motion. Motion unanimously carried.

Selectman Chase asked about holding possible evaluation hearings. Mr. Lynch stated that this has been done in the past but has not been done in the last couple of years. Selectman Newcomb asked about the specifics regarding the contract. Mr. Lynch replied that the Town required emergency alert ability.

BOS Vote Red Wing Farm and Preservation Restriction:
Mr. Lynch noted that this Red Wing property was reviewed by the Historical Commission.

> **Motion:** Selectman Dalton made a motion to approve the deed and preservation restriction, for the selling of Red Wing farm, to Robert and Johanna Morse of 35 Clarrissa Rd; contingent on the deed restrictions and the preservation restrictions in the amount of $246,100.

BOS Vote Special Town Meeting Warrant:

Mr. Lynch requested a vote to post a special town meeting warrant regarding Article 1, 2, 3, 4, 5, 6, and 7 for April 27, 2006.

Motion: Selectman Dalton made a motion to post the special Town Meeting Warrant for April 27, 2006.

Selectmen Referrals:

Selectman Chase made the following referrals:

1. Selectman Chase noted that FinCom will meet to discuss the Town Warrant. Selectman Chase stated that this was a good way for residents to get insight on what is on the warrant.

Selectman Dalton made the following referrals:

1. Selectman Dalton asked for a formal vote on requesting funding for the proposed Vietnam Memorial on the North Common.

Motion: Selectman Dalton made a motion to approve a request of funds, from the state, to help finish the Veterans Memorial Park on North Road and at the North Common for the soldiers from Chelmsford that died in Vietnam.

Selectman McCall made the following referrals:

1. Selectman McCall reported that the Community Preservation Committee reviewed the estimated funds anticipated from a tax surcharge. Selectman McCall also mentioned a field house in need of repair. Selectman Newcomb asked if the state would match funds. Selectman McCall replied the state has been matching 100 percent of the funds.

Selectman Newcomb made the following referrals:

1. Selectman Newcomb stated that the School Building Committee is completing the work at the McCarthy Middle School and the rest of the project is on target to be completed by the end of the 2007 school year.
2. Selectman Newcomb commented on the recent carbon monoxide levels at the McCarthy Middle School. The policy at the school is to have all delivery trucks shut off their engines. Extensive testing has also been done by the Town and it showed no levels of carbon monoxide. Mr. Lynch noted that the Town's equipment was used to test levels.

Chairman Eliopoulos made the following referrals:

1. Chairman Eliopoulos noted that the striping in Vinal Square is in poor condition and needs to be looked at. Selectman Newcomb commented on cars driving over the rumble strip.
2. Chairman Eliopoulos reminded residents of the Taste of the Town being held on March 27th at the Radisson Hotel.
3. Chairman Eliopoulos reminded residents that April 4th was Election Day.

Press Questions:

Chelmsford Independent:

1. Asked if it were only delivery trucks or all traffic that was not allowed to idle near the middle school. Selectman Newcomb stated that it was the policy of the school department with the vehicles. Ms. Thoren, Chairperson of the School Committee, stated that there is no set policy but that the incident was isolated and the situation is continued to be monitored. Ms. Thoren added that was within the footprint of the building where it has been requested that all vehicles shut off their engines.
2. Asked if there were any changes to the cable contract. Chairman Eliopoulos stated that there were no changes made.

Motion: Selectman Dalton made a motion to adjourn at **8:12pm**. Selectman McCall seconded. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, April 10, 2006
50 Billerica Road, Town Hall

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
Bernard Lynch, Town Manager

7:03pm
Public Service Announcement:
Chairman McCall called the meeting to order and asked for Selectman Chase to read the Arbor Day proclamation. The Board of Selectmen proclaimed April 28, 2006, as Arbor Day in the Town of Chelmsford.

Open Session:
Chairman McCall asked if there was anyone to speak. There was no one to speak.

Town Manager Reports:
1. Mr. Lynch reported that George Zaharoolis resigned from the Planning Board and that there was an opening for an alternate. Applicants are to submit an application by Friday, May 1, 2006. The Planning Board will hold interviews and make the appointment on May 8, 2006.
2. Mr. Lynch reported that assistance for first time home buying is available. Mr. Lynch stated that if anyone wanted to apply to contact the Town Manager's office or the Housing Authority. Selectman Newcomb asked if the information could be placed on the Town's web page.
3. Mr. Lynch reported that there have been reports of phony letters from the town stating problems with zoning. Mr. Lynch stated that if anyone receives a letter stating they have a zoning violation to call the Town Managers office.
4. Mr. Lynch reported that the Town's numbers for the budget are the same as the governor's, in terms of lottery money and Chapter 70. If the House budget passes instead of the governors, then an adjustment to the budget will be made.

   Selectman Dalton stated that the Chapter 70 money Chelmsford received was low. Selectman Eliopoulos reminded the board that the state representatives stated that they would do better in terms of numbers that the governor. Selectman Newcomb sated that the representatives need to be held to what they say. Selectman Newcomb added that having the representative's report back to the Board should be discussed at the upcoming goal setting meeting. Selectman Dalton noted that the representatives pay attention to the towns that are lobbying.

Town Manager Appointments:

Mr. Lynch asked the Board to appoint Diana Ryder to the CTI Board of Directors.

Motion: Selectman Chase made a motion to appoint Diana Ryder to the CTI Board of Directors. Selectman Dalton seconded the motion. Motion unanimously carried.

Request for Entertainment License and Change of Manager – Applebee's Restaurant:

Barry Gerstein, representative of Applebee's , Nashua, NH introduced Paul Sullivan as the new manager for the Chelmsford Applebee's. Mr. Sullivan has had over twenty five years of experience and is TIPS certified.

Motion: Selectman Chase made a motion to approve the change of manager for Applebee's to Paul G. Sullivan. Selectman Dalton seconded the motion. Motion unanimously carried.

Motion: Selectman Chase made a motion to approve a seven day entertainment license to Applebee's on 50 Drum Hill Road for radio, TV, cable, and widescreen. Selectman Dalton seconded the motion. Motion unanimously carried.

Mr. Gerstein commented on the generous and helpful people he has encountered while going through the approval process.

Selectman Referrals:

Selectman Eliopoulos made the following referrals:

1. Selectman Eliopoulos stated that the Initiative for Local Aid should give an update at the Town Meeting. Selectman Chase volunteered to contact the Initiative for Local Aid.
2. Selectman Eliopoulos thanked the voters for his opportunity to serve the residents and promised not to let them down.

Selectman Dalton made the following referrals:

1. Selectman Dalton stated that he was pleased with the election and will work to address the financial issues of the Town.
2. Selectman Dalton asked about a house on Needham Street that has been flooding. Mr. Lynch stated that he would look into it.

Chairman McCall suspended the Selectman Referrals in order to continue the public hearings.

Transfer of Stock and Change of Manager-Glenview Restaurant

Joseph Devlin lawyer for owners requested that the Board approve the change of manager and the transfer of stock. Mr. Devlin pointed out the need for a correction on the application, and will resubmit the application. Mr. Devlin stated that Ms. Sheila Vaughn would be the manager, and that she is TIPS certified.

Chairman McCall asked if there was anyone to speak for or against the proposed changes.

Motion: Selectman Chase made a motion to close the public hearing. Selectman Dalton seconded the motion. Motion unanimously carried.

Motion: Selectman Chase made a motion to approve a restaurant with an all alcohol license and held in the name of Right Corp. doing business as Glenview Lounge and Pub, 240 Princeton Street, the change in manager of Alexander T. Sampsonis to Sheila Vaughn and to change of office directors and stockholders Amended- change in ownership stock transfer of 790 non voting stock and 10; totaling 800 stocks. Selectman Dalton seconded the motion. Motion unanimously carried.

Request for All Alcohol License-India Palace:

Kiren Latka, owner and manager requested an all alcohol license. Chairman McCall asked if there was anyone present to speak for or against. Chairman McCall reminded the Board of the Board's policy for a two week waiting period for all requests for an all alcohol license.

Motion: Selectman Chase made a motion to continue the public hearing until the April 24, 2006, Board meeting. Selectman Dalton seconded the motion. Motion unanimously carried.

Request for All Alcohol License-Big Kahuna:

David Keele, representing the owner requested an all alcoholic license. Mr. Lavelle, the manager, could not be at the meeting and is currently being TIPS recertified. Chairman McCall asked if there was anyone present to speak for or against. Selectman Dalton stated that a layout of the proposed area needs to be seen by the Board. Mr. Keele stated that he would have more answers for the Board at the next meeting. Selectman Newcomb requested that there be an updated plan and TIPS certification at the next meeting.

Motion: Selectman Chase made a motion to continue the public hearing on April 24, 2006. Selectman Dalton seconded the motion. Motion unanimously carried.

Request for Common Victualer License- Substance Pizza:

Jean Correa, 257 Littleton Road, requested a Common Victualer license. Selectman Newcomb asked if there were any floor plan changes. Ms. Correa stated the floor plan was the same.

Motion: Selectman Chase made a motion to approve the Common Victualer License to Substance Pizza and Café, subject to a floor plan, a favorable approval from the Building Inspector and the Board of Health; hours of operation being Mon-Sat 6am-9pm and on Sundays 7am-9pm. Motion unanimously carried.

Request for Common Victualer License-Cinnabon and Carvel:

Roy Yun requested a Common Victualer license and stated that six seats would be added to the seating.

Motion: Selectman Chase made a motion to approve the Common Victualer License to Cinnabon/Carvel, AJC, LLC subject to favorable findings by the Building Inspector and the Board of Health; hours of operation Mon-Sat 7am-10pm and Sundays 8am-6pm. Selectman Dalton seconded the motion. Motion unanimously carried.

Transfer of Class II Auto Dealer License-Body Works:

Edivaldo Dutra with the presence of a translator requested a class II auto license. Mr. Lynch stated that this license would limit the lot to only three cars for sale, which is the same as the prior owner. Mr. Lynch also noted that there have been no concerns from the police.

Motion: Selectman Chase made a motion to approve the Class II Auto Dealer License for Bodyworks on 297 Littleton Road for the selling and buying limited to three vehicles. Selectman Dalton seconded the motion. Motion unanimously carried.

Auditor's FY 06 Report-R.E. Brown and Company:

Kerry Speidel, Finance Director/Treasurer and Sheryl Wright Town Accountant joined the meeting. Bob Brown introduced Christopher Laviett as a person who also worked on the audit. Mr. Brown stated that there were four major findings in the Management Letter: schools construction, sewer construction, sewer betterment and the stabilization fund. Mr. Brown stated that it was good for the town to have reserves because it contributes to a good bond rating.

Reports:

Mr. Brown stated that the budget was tight and reserves have gone down. Mr. Brown commented on the need for the Town to have a single audit report. Mr. Brown outlined the contents of the Management Letter.

1. Mr. Brown commented on the overhead charges for the child care revolving fund. Mr. Brown stated that the overhead charges for this fund should be handled in a different manner to satisfy all parties.
2. Mr. Brown commented on the student activities accounts and the reconciliation of the high school accounts occurring in a timely and efficient operation.
3. Mr. Brown commented that the student activity accounts issues are the reimbursements made for stolen items. Mr. Brown was concerned with the reimbursements being made.
4. Mr. Brown expressed concern with the vigilance needed to have the contracts with the school department.
5. Mr. Brown commented on the Sewer Betterment fees and that some reconciliation was not done in a timely manner and this need to be corrected.
6. Mr. Brown commented on Employee Benefits relating to the revolving funds of the Town. Mr. Brown expressed concern that the Town should not be on the hook for the benefits of the revolving funds because they are suppose to be self funding. Mr. Brown noted that under GASBY 45, taking effect in FY09, the Town will have to record future liability in health benefits.

7. Mr. Brown commented that the health benefits under Chapter 30B documentation needs to be tightened up, and the best way to do this is to document every time a purchase is made.
8. Mr. Brown commented that the Town needs to hire an actuary to work on the Post Employment Benefits issue. Mr. Lynch stated that the hiring of an actuary has been discussed and expects it to be on the fall town warrant. Mr. Lynch stated that the Town is working on the issues mentioned in the Management Letter. The Management Letter is available on the Town web page.

Questions

1. Mr. Fulton, of FinCom, asked about why the auditors did not see the uneven percentage of medical cost for retirees in past audits. Mr. Brown stated that nothing was brought to their attention on the issue. Mr. Brown stated that the audit standards were met in FY05. Selectman Chase noted that the problem was difficult to find due to the scope of the audit. Mr. Lynch stated that the error was found during a review process. Mr. Fulton stated that there is an internal control problem that needed to be addressed. Mr. Lynch replied that the changes are being made and the problem is being addressed.
2. Bob Cruickshank, School Business Manager, commented on many issues presented in the Management Letter.
    a. Mr. Cruickshank noted that the child care revolving fund has been on the audit for the past five years. Mr. Cruickshank noted that he was pleased that the Town would return to journal entries. Mr. Cruickshank was surprised to hear the issue with the revolving account comments from Mr. Brown.
    b. Mr. Cruickshank asked if the Town planned on allocating back the money the Town lost on health care. Mr. Cruickshank stated that the cost paid is part of the fixed cost of the budget and that the Town is shifting the money over to the operating departments. Mr. Cruickshank was concerned that moving money around like that would affect the Food Service and lunches would go up hurting the tax payer. In terms of health insurance Mr. Cruickshank stated that money not collected over the past three years has added up to over $300,000. Selectman McCall asked if Mr. Cruickshank was suggesting asking the retirees to pay that money back to the Town. Mr. Cruickshank stated that the Town should follow the law.
    c. Selectman Newcomb referred to the revolving funds and asked if Mr. Cruickshank was suggesting that the tax payers subsidize the part-time employees. Mr. Cruickshank stated that there is only one part-time employee. Mr. Lynch noted that what Mr. Cruickshank was suggesting ran contrary to the formula and that the tax payers would end up subsidizing the program. Mr. Cruickshank stated that the taxpayers are already subsidizing the program because money is being moved out of the budgeted area. Ms. Wright noted that the revolving funds set up by the state are suppose to be self sufficient. Ms. Speidel stated that if the money was shifted any savings stay under undistributed section of the Town budget and can not be used for anything but employee benefits. Ms.

Speidel also noted that the estimates for health insurance, for any fiscal year, is based on enrollment at the time put together.

Mr. Lynch stated that the Town identified the problem in the collection of health insurance for retirees and the problem has been corrected. Selectman Eliopoulos commented that the Boards should be consistent. Selectman Chase stated that the discussion needed for the FY05 Auditors reports should be a response from the management of the Town and it was not appropriate to haggle. Selectman Dalton agreed and noted that there should be a separate meeting with the Town Manager, Superintendent, Town Accountant, Town Treasurer and School Business Manager. Selectman Dalton was also concerned with people assuming there was no communications.

Selectman Newcomb asked for clarification on the wording "prior to finding" and if this meant recurring items. The Auditors replied that it meant recurring items.

3. Kathy Duffett, School Committee, asked when the allocating of the self funding accounts would occur. Mr. Lynch stated that he was not proposing doing anything to food service but added that anything program that any self-supporting account should be self-supporting. Ms. Duffett asked when the change would come from the sewer program. Mr. Lynch stated that it has already been done.
4. Mary Franz, FinCom, agreed that revolving accounts should be self funding and would like some discussion before there was any change in these accounts. Ms. Franz stated that this was another indicator that there is a need for regular communication with the departments. Mr. Lynch stated that it was a policy from the Board, which is circulated regularly.
5. Clare Jeannotte, FinCom, asked if the changes that have come to light were a direct correlation to the change in staff in the accountant's office. Mr. Lynch stated that that was one reason. Ms. Jeannotte also recommended an internal audit in town.
6. Scott Johnson, Director of Community Education, stated that health care is a growing concern. Mr. Johnson was troubled by the fact he just heard of the concerns of the audit that day. Mr. Johnson asked for more communication. Mr. Lynch noted that he had spoken with Mr. Cruickshank two weeks before this meeting.

Selectman Chase pointed out that despite the recent challenges, the Town is in a good financial position. Selectman Chase also commented that people need to get together to discuss the issues before addressing the Boards. Mr. Lynch noted that not all audits are perfect and the purpose of the management letter presentation was to discuss how to address the issues. Chairman McCall suggested a meeting with all the chairs to discuss the management letter.

Chairman McCall thanked the Boards for participating in the Auditor's report. Chairman McCall also acknowledged Selectman Eliopoulos for his work as Chairman of the Board of Selectman in 2005.

Selectman Referrals *continued*:

Selectman Newcomb made the following referrals:

1. Selectman Newcomb asked for an update on Verizon and the pole at Golden Cove Road. Mr. Lynch stated that the pole is still there and Verizon has been notified that there would be no more pole petitions granted by the Board until the pole is removed.
2. Selectman Newcomb reported that the School Building Committee is moving along and things are going smoothly. Selectman Newcomb noted that the Scholl Building Committee will give a brief report at Town Meeting.

Selectman Chase made the following referrals:

1. Selectman Chase wanted to remind residents that the School Committee will have its annual budget review.
2. Selectman Chase distributed copies of the Town webpage and noted that under departments the Board of Selectman was not listed as an option to click on. Mr. Lynch stated that the web page is being looked at and improvements will be made. Selectman Dalton suggested having the organizational chart as the directory on the page.

Chairman McCall made the following referrals:

1. Chairman McCall reported that he attended, along with Selectmen Chase and Dalton, the ribbon cutting ceremony at Applebee's.
2. Chairman McCall asked Mr. Lynch to look into piles of dirt being left by street cleaners.
3. Chairman McCall stated that he spoke with Representative Golden and asked him to address the Board about 40B issues.

Motion: Selectman Chase made a motion to adjourn into Executive Session at **9:19 p.m**. Selectman Dalton seconded. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA
April 24, 2006

Senior Center

6:30 p.m. Call to Order

Public Service Announcements

Open Session

BOS Meeting Minutes

- Joint Meeting March 8, 2006
- Regular BOS Minutes – March 13, 2006

Town Manager

- Reports
- Town Manager Appointments
  - *Commission on Disabilities*
  - *Historical District Commission*
- Town Manager Bids and Contract Awards

Scheduled Business

6:45 p.m. **Continuation: Request for All Alcohol License - India Palace**

6:50 p.m. **Continuation: Request for All Alcohol and Common Victualer License - Big Kahuna**

6:55 p.m. **One Day Beer and Wine License – St. Vartanantz Church**

Unscheduled Business

- Town Meeting Warrant

Selectmen Referrals

Press Questions

Next Regular Meeting: May 8, 2006

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, April 24, 2006
Groton Road, Senior Center

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
Bernard Lynch, Town Manager

6:36pm
Approval of Minutes

Motion: Selectman Chase made a motion to approve the March 8, 2006, meeting minutes. Selectman Dalton seconded the motion. Motion unanimously carried.
Motion: Selectman Chase made a motion to approve the March 13, 2006, meeting minutes. Selectman Dalton seconded the motion. Motion unanimously carried.

Town Manager Appointments:

1. Mr. Lynch requested the approval of Elaine A. Marinella to the Commission on Disabilities.

Motion: Selectman Chase made a motion to approve Elaine A. Marinella to the Commission on Disabilities. Selectman Dalton seconded the motion. Motion unanimously carried.

2. Mr. Lynch requested the approval of Herbert Pitta to the Historical District Commission.

Motion: Selectman Chase made a motion to approve Herbert Pitta to the Historical District Commission. Selectman Dalton seconded the motion. Motion unanimously carried.

Continuation of Public Hearing-Request for All Alcohol License, India Palace:
Kirin Latka, one of the owners, stated that he has sent the material for signatures to abutters and was only able to receive one signature. Selectman Dalton asked if the correct cards were sent out for signatures. Mr. Latka stated that he sent the correct cards out.

Motion: Selectman Chase made a motion to approve an all alcoholic liquor license to Talwar and Latka, LLC, operating as India Palace on 313 Littleton Road for the hours of operation of M-Thur 11:30-3:00pm and 5:00pm-9:30pm; Friday 11:30am - 3:00pm and 5:00pm – 10pm; Saturday 12:00pm-10:00pm; Saturday 9:30am-10pm. This motion is subject to confirmation that information was delivered or an attempt *in good faith* was made to deliver to the abutters. Selectman Dalton seconded the motion. Motion unanimously carried.

Continuation of Public Hearing-Request for All Alcohol and Common Victualer License, Big Kahuna:

David Keele, representing Gary Lavelle, the current Manager, distributed pictures of the site where an alcohol and Victualer license is requested. Mr. Lavelle stated that the bar area used to be outside and construction is being planned to make the inside space larger. Mr. Lavelle stated that he is currently waiting for an occupancy permit. Selectman Dalton asked why no floor plan was submitted. Mr. Keele stated a floor plan can be drawn but it is subject to fire marshal approval. Selectman Eliopoulos suggested coming back before the Board showing the proposed areas. Selectman Newcomb asked if the pool would be open. Mr. Lavelle stated that the pool would be roped off at 4:00pm. Selectman Dalton stated that he was not comfortable approving the licenses before seeing a plan. Mr. Lynch suggested bringing the plan, including where the alcohol would be served. Selectman Newcomb added that the plan should include proposed area for tables. Selectman Newcomb asked about TIPS certification and Mr. Lavelle stated that he was TIPS certified.

Motion: Selectman Chase made a motion to continue the public hearing on May 8, 2006. Selectman Dalton seconded the motion. Motion unanimously carried.

<u>One Day Beer and Wine License-St. Vartanantz Church:</u>

Mr. Lynch stated that the event was being held on May 6, 2006, from 6:00pm-12:00am.

Motion: Selectman Chase made a motion to approve the one day beer and wine license for St. Vartanantz Church located at 184 Westford Road, on May 6, 2006, from 6:00pm-12:00am. Selectman Dalton seconded the motion. Motion unanimously carried.

Town Meeting Warrant:

Mr. Lynch read through the warrant articles and asked the Board to comment if there was a question.

Motion: Selectman Chase made a motion to approve warrant articles 1-21. Selectman Dalton seconded the motion. Motion unanimously carried.

Note: Article 22, 23, and 24 were held so that the Board could review them before Town Meeting.

Motion: Selectman Chase made a motion to approve warrant articles 25-27. Selectman Dalton seconded the motion. Motion unanimously carried.

<u>Selectman Referrals:</u>

Selectman Dalton made the following referrals:

1. Selectman Dalton reminded the Board of the JC Dawn concert being held on May 13, 2006, at the McCarthy School. Selectman Dalton asked Mr. Lynch to post this information at Town Hall.
2. Selectman Dalton asked about the sign on Biltmore and asked why it was not up Mr. Lynch stated that he would follow-up on this issue.

Selectman Eliopoulos made the following referrals:

1. Selectman Eliopoulos stated that the Paul Center was proposing a charity basketball game between the Board and the Police/Fire departments on May 20, 2006.

Chairman McCall had the following referrals:

1. Chairman McCall commented on a proposed blog to be administrated by Zach Untracht. Mr. Untracht was present to give a brief presentation on the proposed web site.

Mr. Untracht stated that there was misinformation in town and a place was needed to go to get the correct information. Mr. Untracht proposed a blog that would be available to all Town boards to put out information. Mr. Untracht stated that this would give the boards a chance to get their thoughts out to the public. Mr. Untracht would facilitate the site trying to keep the negative comments at a minimum. Selectman Dalton asked if the web site would be anonymous. Mr. Untracht stated that passwords and ids could be given to users. Chairman McCall liked the idea, but was concerned with the time it could draw from public officials. Selectman Chase was in favor of a blog, but only if people identified who they were.

Motion: Selectman Chase made a motion to adjourn into Executive session at **7:16pm**. Selectman Dalton seconded. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA
May 8, 2006

Town Offices
7:00 p.m. Call to Order

Public Service Announcements

- Chelmsford High School Alumni Association Scholarship – George Simonian

Open Session

BOS Meeting Minutes

Town Manager

- Reports
- Town Manager Appointments
- Town Manager Bids and Contract Awards

Scheduled Business

7:15 p.m. **Joint Meeting w/Planning Board to appoint Planning Board Alternate**

7:30 p.m. **Mass Electric – Tree Trimming Presentation**

8:15 p.m. **Public Hearing: Pole Petition: Verizon and Mass Electric - Alpha Rd.**

8:20 p.m. **Public Hearing: Pole Petitions: Verizon - Park Rd., Park Place**

8:25 p.m. **Continuation: Pole Petition: Verizon - Progress Ave**

8:30 p.m. **Water District Annual Report**

9:15 p.m. **Continuation: Request for All Alcohol and Common Victualer License – Big Kahuna** *Tab 6*

Unscheduled Business

Selectmen Referrals

Press Questions

Next Regular Meeting: May 22, 2006

RECEIVED
2006 AUG 29 PM 12:41
ELIZABETH L. DELANEY
TOWN CLERK

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, May 8, 2006
50 Billerica Road, Town Offices

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
Bernard Lynch, Town Manager

7:07pm
Public Service Announcement:
Chairman McCall called the meeting to order.
1. George Simonian, representing the Chelmsford Alumni Association, stated that the 8th Annual Awards Night will be held on May 15, 2006, at 7:30pm at the Chelmsford High School. Mr. Simonian noted that since 1991, the Alumni Association has awarded $212,000.

Open Session:
1. Sarah Kolba, resident- 3 Clarissa Rd., stated that there will be a 24 hour relay on May 26, 2006, at the McCarthy Middle School Field. This event is to help raise money for local groups such as the Senior Center and Little League. Ms. Kolba was asking for donations, volunteers and relay teams. Ms. Kolba noted that flyers with the relay information are posted throughout town and thanked the Board for its time. Ms. Kolba stated that donations can be made in care of the 24 Hour Relay.

Joint Meeting with Planning Board to appoint Planning Board Alternate:
Chairman McCall recognized the presence of the Board of Selectmen and the Planning Board. Charles Wojtas, Chairman of the Planning Board suggested each candidate briefly address the two Boards.

1. Tommy Groves, resident-162 Proctor Road, stated that he has been a resident of Chelmsford since 1996. Mr. Groves received his bachelor degree from UMass Lowell in Civil Engineering and believed his experience as an engineer would add to the Planning Board. Mr. Groves also has environmental knowledge and experience and could help guide the Panning Board.
2. Richard Johnson, resident-8 Cliff Road, thanked the Boards and stated that he was a lifelong resident of Chelmsford. Mr. Johnson is a current member of the Lions Club and an active member in the community. Mr. Johnson has served on the Commission for Disabilities and is a town meeting representative. Mr. Johnson has good working knowledge of construction and the Planning Board.
3. Gary Krauch, resident-17 Pinewood Road, has lived in Chelmsford since 1995 with his family and would like to give back to the community. Mr. Krauch is a

licensed engineer and has worked with the Army Corps of Engineers. Mr. Krauch has over 25 years of construction experience and feels he would be a benefit to the Planning Board. Mr. Krauch thanked the Board for its time.

4. James Lane, resident-290 Westford Road, thanked the Boards and the Town Manager for their time. Mr. Lane has lived in Chelmsford for over 41 years with his family. Mr. Lane is currently a Director of a Fortune 500 company for mechanical electrical construction. Mr. Lane is the recipient of many awards and would like to give back to the Town.
5. Mr. Wojtas stated that Russell MacLeod was unable to attend the Board meeting.
6. Edmund Roux, resident-4 Wiggin Street, has lived in Chelmsford for over 26 years and is a retired chemical engineer. Mr. Roux is currently a realtor and promised to attend every meeting. Mr. Roux stated that he was licensed in waste water treatment, which would benefit the Planning Board.

Chairman McCall was pleased with the response from people to be an alternate on the Planning Board, and thanked everyone for speaking.

Selectman Dalton asked for a brief history the applicants have in town and their involvement in the community.

1. Mr. Roux stated that he ran for Planning Board a few years ago.
2. Mr. Groves stated that he has not been involved too much in the Town but is very interested in getting involved.
3. Mr. Krauch stated that his family has been involved in the community and plans to get more experience to give back to the Town.
4. Mr. Lane stated that he has been active in Pop Warner and baseball and attends town meeting.
5. Mr. Johnson stated that he has been active as a Town Meeting Representative and on the Commission of Disabilities.

Motion: Selectman Chase made a motion to close the nominations for Planning Board alternate. Selectman Dalton seconded the motion. Motion unanimously carried.

Motion: Mr. Joyce made a motion to nominate Richard Johnson as the alternate to the Planning Board. Selectman Dalton seconded the motion. Motion unanimously carried.

Mass Electric-Tree Trimming Presentation:

A National Grid Representative commented on the National Grid Improvement Plan, which accompanied the routine Tree trimming that was done annually. The National Grid Representative stated that the cutting would focus around areas that had the most customers with chronic problems. The National Grid Representative handed out a copy of the proposed cutting and stated customers affected would receive letters. The representative stated that no trees would be removed without the resident's approval. The removal would be free to residents and the tree would be hauled away. The stumps would not be removed unless it was a matter of public safety. Chairman McCall wanted it to be clear that no trees would be removed without consent from the resident. The

representatives stated that there is a detailed permission process. Selectman Newcomb asked for a copy of the letter that residents would receive. The representative stated that there is a 1% refusal rate.

Town Manager Reports/Appointments/Bids:
There were no reports.

Pole Petition Double Poles- Kathy Frasier
Ms. Frasier, Verizon Dracut stated that the double poles in Town totaled 148. Ms. Frasier reported that the double poles are now the responsibility of the Department of Telecommunications and Electricity (DTE), who have special technicians to deal with double poles. Ms. Frasier stated that Verizon is responsible for 17 poles, meaning that they are next in line to remove as of the report Ms. Frasier currently had. Ms. Frasier added that Verizon is always the last off of the poles therefore they remove the poles.

Chairman McCall was concerned about poles that were cut off and tied to another pole. Ms. Frasier stated that if the Board had specific poles that she would look into them. Mr. Lynch commented on how long it took to have the pole on Turnpike removed and asked about the poles on North Road in the center of Town. Ms. Frasier noted that she would check with Gordon Watley, a senior engineer of the project and would come back in June with an update. Chairman McCall requested a letter be sent to the Board with an update on North Road poles.

Selectman Dalton asked what the hold up was on the underground project in the center of Town. Ms. Frasier stated that Verizon is waiting on the sign off of easements before any digging can begin.

Chairman McCall asked if next month Ms. Frasier could also address the rate people pay for the depression of the utilities. Ms. Frasier stated that she would follow up.

Public Hearing—Pole Petition Verizon and Mass Electric on Alpha Road:
Ms. Frasier requested that one pole be placed on Alpha Road. Ms. Frasier noted that the mid span is large and needs to be addressed. Chairman McCall asked if there was anyone to speak for or against the pole petition.

> **Motion:** Selectman Chase made a motion to close the public hearing. Selectman Dalton seconded the motion. Motion unanimously carried.

Selectman Newcomb asked why the pole is being requested now. Ms. Frasier stated that additional lines are most likely being added.

> **Motion:** Selectman Chase made a motion to approve the placement of a pole on Alpha Road with the Verizon plan 21 filed on March 7, 2006. Selectman Dalton seconded the motion. Motion unanimously carried.

Public Hearing—Pole Petition Verizon Park Road:

Ms. Frasier stated that this was for three petitions: one for Park Road, one for Park Place and one for a conduit on Park Road. Chairman McCall asked if there was anyone present to speak for or against the petition.

> **Motion:** Selectman Chase made a motion to close the public hearing. Selectman Dalton seconded the motion. Motion unanimously carried.

Selectman Dalton asked if there was a sidewalk were the pole would go. Ms Fasier stated there was no sidewalk.

> **Motion:** Selectman Chase made a motion to approve the pole petition 22, 23 and 24. Selectman Dalton seconded the motion. Motion unanimously carried.

Selectman Newcomb asked if there were any way to require a bond to be posted until the poles are removed. Mr. Lynch stated that he would check with Town counsel.

Continuation--Pole Petition on Progress Ave:

Ms. Frasier stated that there was a safety issue here with a sagging line on Progress Ave.

> **Motion:** Selectman Chase made a motion to approve the pole petition on Progress Ave, petition number 20 revised January 3, 2006. Selectman Dalton seconded the motion. Motion unanimously carried.

Water District Annual Report:

George Allen, Consulting Engineer for the Water District, John Harrington, Water Commissioner, Bob Delaney and Ron Wetmore

Mr. Allen stated that as of May 15, 2006, the town wide water ban will be in effect for residents, and will end September 15, 2006. Mr. Allen reported that the Town is broken up into three water districts. Mr. Allen stated that the Riverneck Water Treatment Plant has allowed for a better management of the wells over the year. The peak consumption of water is 122 million gallons in the month of July and the least amount of water is used in February. The Average household used 200 gallons of water per day. Chairman McCall asked how this compared with other communities. Mr. Allen stated that with the pushing of water conservation in Town the Town is on par with other communities. With conservation the average day consumption of water has remained the same.

Mr. Allen reported that the Town is ahead of schedule for the treatment of all of the wells. The Crooked Spring Water Treatment Plant started construction in January, and should be completed by mid 2007. Mr. Allen stated that the Water District continues to upgrade security on tank maintenance.

Mr. Allen reported that the hydraulic study is underway, which will evaluate the system and water quality. The annual well maintenance program for cleaning and redeveloping the pumps is scheduled. The Crooked Spring Treatment Facility when done will treat 4

million gallons of water. Mr. Allen reported that the difference between the Riverneck Facility and the Crooked Spring Facility is that the Crooked Spring Facility will have a backwash basin. Mr. Allen concluded by stating that public information materials will be sent out from the Water District.

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2006 AUG 29 PM 2:41
TOWN OF SALISBURY
ELIZABETH L. DELANEY
TOWN CLERK

Selectman Chase asked for an explanation in regards to the Water Districts and the Town working relationship. Mr. Wetmore addressed the Board and stated that the legislation sets up the Water District. The Water District is subject to the same laws as the Town but is independent of the Town. Mr. Wetmore added that the Water District has annual meetings

Continuation-Request for All Alcohol and Common Victualer License, Big Kahuna:
David Keele, representing Gary Lavelle, the current manager presented the building layout for the outdoor area. Mr. Lynch was concerned with the number of parking spaces for the capacity of the establishment. Mr. Keele stated that he was looking for approval in order to get started. Selectman Newcomb confirmed that the outside capacity was 150 and the inside capacity was 100 people. Mr. Lynch noted that removing the island in the parking lot would require the Planning Board's approval. Mr. Lynch was concerned because he has never seen an application process because everything was up in the air. Chairman McCall stated that Mr. Keele and Mr. Lavalle would need to come back when starting the inside. Selectman Dalton asked what was inside. Mr. Lavalle replied that nothing was inside but there is a proposed interior. Selectman Eliopoulos asked about entertainment. Mr. Keele stated that there would be no loud bands. Selectman Newcomb asked about the entrances to the outside area. Mr. Lavalle stated that a person could come through the inside or through the gate. Mr. Lavelle is in the process of being TIPS certified.

Motion: Selectman Chase made a motion for a liquor license and a Common Victualer License for TBK Enterprises, LLC, DBA the Big Kahuna located on 5 Courthouse Lane, restricted to the outside operation with the capacity of 150 people; hours of operation weekdays 11am-1am and Sunday noon-1am. Subject to a change in the application pursuant review by the building inspector and subject to the pool being covered at 4:00pm daily when open to the public. Selectman Dalton seconded the motion. Motion carried (4-1) with Selectman Chase dissenting.

Motion: Selectman Chase made a motion to approve the entertainment license for TBK Enterprises, LLC, DBA the Big Kahuna located on 5 Courthouse Lane. Subject to a change in the application pursuant review of the building inspector and subject to the pool being covered at 4:00 p.m. daily. Selectman Dalton seconded the motion. Motion unanimously carried.

Selectman Referrals:

Selectman Newcomb made the following referrals:

1. Selectman Newcomb reported that the School Building Committee was moving along and construction behind the high school was taking shape.

Selectman Dalton made the following referrals:

1. Selectman Dalton commented that he attended the Barret Byam Historical Society event.
2. Selectman Dalton reported that he had attended an Eagle Scout Honor Court ceremony.
3. Selectman Dalton asked about a meeting concerning the issue of Section 19.
4. Selectman Dalton commented on having a weekly schedule for the Town Manager. Mr. Lynch did not feel that was an appropriate request. Selectman Dalton suggested that it could become a policy of the selectmen. Mr. Lynch stated that he would consider it, if it were policy. Selectman Dalton felt it was important to see who the Town Manager was meeting with on a weekly basis. Selectman Chase stated that it was not unreasonable to have a schedule of events of the Town Manager. Selectman Eliopoulos stated that this was the first he has heard of such a request for the Town Manager. Mr. Lynch made clear that he is available to the Board at all times and his staff is fully aware of his schedule. Chairman McCall stated that he was not interested in a detailed level schedule for the Town Manager. Selectman Chase suggested fleshing this issue out and revisiting it at another time.

Selectman Chase made the following referrals:

1. Selectman Chase reported that the balance of the Board's Katrina Fund was $338.00. Selectman Chase suggested the funds name be changed to the Disaster Relief Fund.
2. Selectman Chase commented that he, Selectman Eliopoulos and Selectman Dalton attended the Stand for Children rally at the state house. Selectman Chase suggested that the Board members contact other town Selectmen to lobby their support for Chapter 70 money.
3. Selectman Chase asked about the liaison assignments, and requested that the chair have them for the next meeting.
4. Selectman Chase commented on having a chair subcommittee to deal with the financial planning of the town. Mr. Lynch stated that a June Joint meeting with FinCom and the School Committee might be premature. Selectman Dalton suggested a flyer go out to residents concerning the financial forecast sometime in the fall.
5. Selectman Chase recommended Mr. Lynch review the Ambulance Study. Mr. Lynch stated that he would have his report at the next Board meeting.

Selectman Eliopoulos made the following referrals:

1. Selectman Eliopoulos inquired about spraying for mosquitoes.
2. Selectman Eliopoulos stated that a meeting is being planned with Mass Highway and Modern Continental.

RECEIVED

Chairman McCall made the following referrals:

1. Chairman McCall inquired about the health insurance for retirees. Mr. Lynch stated that progress is being made with the Insurance Advisory Committee. Selectman Dalton suggested a work session devoted to Section 19.
2. Chairman McCall suggested a policy for the density of 40B projects, and creating a subcommittee to work on this issue.
3. Chairman McCall noted that the Board as well as others took part in a spelling bee.

Press Questions:
Chelmsford Independent

1. Asked about the Red Birch in the center of town and why it is cordoned off. Mr. Lynch stated that some of the tree is diseased and may need to be cut back.
2. Asked if the Board has adopted a position on the national grid. Chairman McCall stated that the Board has not supported any formal position.

Motion: Selectman Chase made a motion to adjourn at **10:09pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, May 22, 2006
50 Billerica Road, Town Offices

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
Bernard Lynch, Town Manager

William F. Dalton, Selectman Clerk was absent

7:00pm
Open Session:

1. Mary Tiano, resident-1 Spruce Street, commented on concerns raised at Town Meeting. Ms. Tiano stated that there was not enough communication with residents on proposed land sales. Ms. Tiano suggested that the Town be more diligent and inform residents of potential land sales.
2. Gary Bevis, resident- 175 Willis Drive explained that there is a situation of a home on Freeman Lake with 126 feet of frontage. Members of the family who own the home are deceased and the daughters are unable to afford the upkeep. Mr. Bevis wants to purchase the home but is unable due to the need for an easement from the Town. Mr. Lynch stated that the approval of the selling of the land needs to be voted on at Town Meeting. Mr. Lynch noted that he has put the property on the Fall Town Meeting Warrant.

   Selectman Newcomb asked what a special Town Meeting would cost the Town. Mr. Lynch stated that the cost could be up to $1,000. Selectman Eliopoulos suggested that an attorney be consulted on this case. Mr. Bevis stated that no attorney has been consulted. Mr. Lynch stated that he would follow up with Mr. Bevis on his options.

Memorial Day Celebrations:
Chairman McCall asked Mr. Lynch to comment on the Town's Memorial Day events. Mr. Lynch stated that there will be a parade in the Town Center. Chairman McCall suggested that the Memorial Day information be placed online.

Approval of Minutes:
Selectman Chase noted that for meeting minutes March 20, 2006, and April 24, 2006, pages were missing.

Motion: Selectman Chase made a motion to approve the meeting minutes for regular session April 10, 2006, Executive Session April 24, 2006, and Executive Session April 10, 2006. Selectman Newcomb seconded the motion. Motion unanimously carried.

Town Manager Reports:

1. Mr. Lynch commented on the flooding and stated that neighborhoods in North Chelmsford were affected. Mr. Lynch noted that the Town was fortunate not to have too much flooding. Mr. Lynch stated that all departments worked well together. Selectman Eliopoulos asked if there would be state or federal funding for flood relief. Mr. Lynch stated that he was still waiting to hear what reimbursements would be.
2. Mr. Lynch reported that he was waiting for the states final numbers for FY07. Chapter 70 money was not as the Town had hoped it would be, and until the formula is changed Chelmsford will continue to have problems. Mr. Lynch stated that the best hope for the Town was a total redistribution of local aid.
3. Mr. Lynch reported that the addition on the School Administration building was developing.
4. Mr. Lynch reported that a new formatted web page would be up in June.
5. Mr. Lynch reported that the July 4th raffle tickets were in the Community Newsletter and other places throughout Town.
6. Mr. Lynch reported that the creation of a Technology Task Force would begin soon.
7. Mr. Lynch reported that the Selectmen now had a policy book that included all of the Board's policies and hoped it would be useful to the Board. Chairman McCall suggested a work session to start to review some of the Board policies.
8. Mr. Lynch reported his review of the Ambulance Study and was not recommending it be adopted. Mr. Lynch outlined some of his reasons for not recommending the program due to cost and liability. Mr. Lynch felt that there is good service now and to bring in a town run ambulance service would be a risk.

Town Manager Bids/Contracts:

1. Mr. Lynch requested that the Board approve AON Consulting Inc. to conduct an actuarial study on GASB 45 for $14,500.

Motion: Selectman Chase made a motion to approve AON Consulting Inc., for an Actuarial Study of GASB 45 in the amount of $14, 500. Selectman Newcomb seconded the motion. Motion unanimously carried.

2. Mr. Lynch requested the Board approve Lisa Davis Consulting, to design a proposal for the McFarland Field site for the amount of 17,500.

Motion: Selectman Chase made a motion to approve Lisa Davis Consulting for the site development of McFarland Field for $17,500. Selectman Newcomb seconded the motion. Motion unanimously carried.

3. Mr. Lynch requested that the Board approve the bid award to Tanter and Associates for $19,500 for a Land Use and Zoning Consultant.

Motion: Selectman Chase made a motion to approve the bid award of $19,100 for a Land Use and Zoning Consultant to Tanter and Associates.

4. Mr. Lynch requested that the Board approve the selling of the Merilda land parcel to Richard Day for $1,900.

Motion: Selectman Chase made a motion to approve the land sale to Richard Day for $1,900 for the Merilda Ave. land parcel.

Public Hearing-Change of License, JP Rivard Trailer Sales:

Ed Maloney representing JP Rivard requested a change of license from an Auto Dealer Class II to an Auto Dealer Class I license. Mr. Rivard would like to change the number of trailers from 110 to 160. The Town's Building Inspector has been on site and submitted that there is plenty of room for the additional trailers. Chairman McCall asked if there was anyone present to speak for or against the license.

Motion: Selectman Chase made a motion to close the public hearing. Selectman Newcomb seconded the motion. Motion unanimously carried.

Motion: Selectman Chase made a motion to change the auto dealer license for JP Rivard Trailer Sales from a Class II to a Class I; sale and storage for used and new trailers located at 1 Ward Way in North Chelmsford. Selectman Newcomb seconded the motion. Motion unanimously carried.

Common Victualer License- ABC Gourmet Food Inc.:

Ken Garsi, owner, is selling his company to Angelo Groch to run as Elliot's Famous Hot Dogs and requested a new license. There is no change to the floor plan.

Motion: Selectman Chase made a motion to approve the Common Victualer license to ABC Gourmet Food Inc., located at 83 Parkhurst Rd., #17 as Elliot's Famous Hot Dogs; hours of operation weekdays 8am-11pm and Sundays 8am-8pm. Selectman Newcomb seconded the motion. Motion unanimously carried.

Pole Petition Verizon Singlefoot Rd.:

Joseph Gleason, Verizon Dracut, requested the relocation of pole 506/11 850 feet, from the center line of Singlefoot Rd. Chairman McCall asked if there was anyone present to speak for or against the petition.

1. Jean Destempre, resident-30 Singlefoot Rd., was unsure of the pole being discussed. According to the plan she received the pole is in front of her residence, and if moved would be in the middle of her property. Mr. Gleason was unsure of the pole Ms. Destempre was referring to and stated that the pole to be moved is in front of the pumping station.

Motion: Selectman Chase made a motion to continue the request for a petition on Singlefoot Rd. until June 5, 2006 Board of Selectmen regular meeting. Selectman Newcomb seconded the motion. Motion unanimously carried.

BOS Vote—Sewer Easement-Phase 4G Sewers-Robin Hill Rd/Burning Tree Lane Area:

Mr. Lynch commented that this was approved at Town Meeting.

> **Motion:** Selectman Chase made a motion to approve the sewer easement for Phase 4G Sewers. Selectman Newcomb seconded the motion. Motion unanimously carried.

BOS Vote—Redeem foreclosed property-Map 24, Block 48, Lot 28-Shore Drive:

Mr. Lynch stated that Mr. McKenna was interested in paying off the taxes and redeems the property. A Board vote was needed to vacate the foreclosure decree.

> **Motion:** Selectman Chase made a motion to vacate the foreclosure decree on Map 24, Block 48, Lot 28 on Shore Drive. Selectman Newcomb seconded the motion. Motion unanimously carried.

BOS Vote—Sewer Easement- Richardson Road:

Mr. Lynch stated that this item came from a Town Meeting vote and that lights and irrigation equipment was needed beyond the high school. Mr. Lynch noted that it was necessary to have a transformer there for Mass Electric. Mr. Lynch requested an easement from the Board that grants Mass Electric the right to install, own, operate and maintain the equipment need to provide service to the area.

> **Motion:** Selectman Chase made a motion to approve easement to Mass Electric to install, own, operate and maintain equipment needed to provide service on 200 Richardson Rd. Selectman Newcomb seconded the motion. Motion unanimously carried.

Selectman Referrals:

Selectman Eliopoulos made the following referrals:

1. Selectman Eliopoulos stated that a meeting with Modern Continental and Mass Highway is coming up and any question for them should be e-mailed to Selectman Eliopoulos.
2. Selectman Eliopoulos reported that he received a thank you letter from the McFarland neighborhood for his effort with the sound barriers.
3. Selectman Eliopoulos asked about the liaison assignments for the Board.

Selectman Chase made the following referrals:

1. Selectman Chase asked what the next steps were for the ambulance proposal. Mr. Lynch replied that if the program was left as is it requires no action from the Board. Selectman Chase suggested that the Board withhold comments until the Board has had time to review the report.
2. Selectman Chase asked Mr. Lynch to discuss the recent article in the Lowell Sun about a potential job in Lowell. Mr. Lynch stated that the Lowell City Manager job has opened up and he will give his intentions in the next few weeks regarding the position.

Selectman Newcomb made the following referrals:

1. Selectman Newcomb requested that the Ambulance report be put on the Town's web page.
2. Selectman Newcomb asked Selectman Chase if there has been discussion regarding the middle school principal. Selectman Chase stated that he was unaware of any discussions.
3. Selectman Newcomb reported that the School Building Committee continues to meet. Selectman Newcomb commented on the School Building Association's (SBA) program that assessed the Town's schools.
4. Selectman Newcomb suggested having a work session on goal setting.

Chairman McCall made the following referrals:

1. Chairman McCall suggested having an informational session on GASB 45.
2. Chairman McCall stated that he has received calls from residents concerned about gas prices and whether they're being accurately charged. Residents are requesting that an inspector go out and check these stations.
3. Chairman McCall stated that the Community Preservation Committee is meeting and recently approved money for the Garrison House and Field improvements.

Press Questions:

Chelmsford Independent

1. Asked if there would be an additional subcommittee set up to look into the ambulance proposal. Mr. Lynch stated that the report speaks for itself and no committee is necessary.

Additional Comments:

Selectman Chase asked Selectman Newcomb what the current reimbursements percentage was regarding the school building project. Selectman Newcomb stated that the SBA has changed its program and are trying to limit communities from asking to fund all of their projects. The SBA wants communities to come up with solutions to their problems. In the application the communities need to show how they will address their priorities of a project, which determines the percentage.

> **Motion:** Selectman Chase made a motion to adjourn executive session at **8:25pm**. Selectman Newcomb seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA
June 19, 2006

(Amended 6/19/06)

7:00 p.m. Call to Order – Pledge of Allegiance

Public Service Announcements

- Parade Committee – 4th of July

Proclamation

Open Session

- Chelmsford Community Band – Hatch Shell Appearance

BOS Meeting Minutes

- May 8, 2006 – Regular Meeting Minutes
- May 22, 2006 – Regular Meeting Minutes

Town Manager

- Reports
- Town Manager Appointments
  - *Annual Committee Appointments*

  Town Manager Bids and Contract Awards

  - *Sewer Division Flush Truck*
  - *Network Equipment – School Building Project*
  - *DPW Bid Item #15 – Bituminous Concrete*
  - *DPW Bid Item #19 – Guardrail*

Scheduled Business

7:15 p.m. **BAN Sale**

7:25 p.m. **ATEF Presentation**

7:30 p.m. **Common Victualer License: Urban Café**

7:35 p.m. **Common Victualer License: Infusion Bistro**

7:45 p.m. **Public Hearing: Petition to install Underground Conduit - National Grid – Walter Weide St.**

7:55 p.m. **Verizon: Double Pole Report/Central Square Poles**

Unscheduled Business

BOS Vote: Meadowcrest Lane – Drainage Easement

- BOS Vote: North Road/Parkhurst Road/Davis Road – Temporary Easement
- BOS Vote: Section 19

Board of Selectmen Appointments

Selectmen Referrals

Press Questions

Executive Session

Next Regular Meeting: July 24, 2006

***** This meeting is televised. *****

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CHELMSFORD
ELIZABETH L. DELANEY
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TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, June 19, 2006
50 Billerica Road, Town Offices

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
Bernard Lynch, Town Manager

7:05pm
Chairman McCall called the meeting to order.

PSA:

1. Frances McDougall, chairperson of Parade Committee addressed the Board and asked residents to purchase tickets to support the 2006 July 4th Parade. Ms McDougall recognized the Town organizations that have supported the parade. Ms. McDougall noted that the Sun and Independent have written about the upcoming parade.
2. Judy Buswick stated she, and others, are working on a 350th Journal that will be available to residents for $15. Ms. Buswick noted that eight hundred copies have been printed, and that the journal was an historical document for the Town. Mr. Lynch noted that on July 3rd the unveiling of the 350th sun dial would occur. Mr. Lynch added that money has been set aside for next year's parade, due to surplus of the 350th celebration year.

BAN Sale:

1. Ms. Speidel asked the Board to approve the NWPAT interim loan for $4,281,616, through the water abatement trust at 1.7%.

Motion: Selectman Chase made a motion to approve the interim loan note, for a single registered security; for $4,281,616 at 1.7% for the construction of sewers and other water pollution control facilities. Selectman Dalton seconded the motion. Motion unanimously carried.

2. Ms. Speidel requested an approval of a bond anticipation note for two projects. The School Building Project and the Capital Improvement Plan (approved at 2005 Town Meeting for $2,539,000.00). Ms. Speidel explained that after a meeting with Standard and Poor's, the Town received a negative outlook but was able to maintain its AA rating. Ms. Speidel was concerned that Standard and Poor's could change the rating of the Town to an A- if reserve funds were not increased. Mr. Lynch stated that this could be difficult considering the tightness of the budget.

Ms. Speidel reported that Chelmsford was the first Town in the state to use the on-line bidding service offered through Grant Street Corp. Ms. Speidel stated that the service cost $3,000 and briefly displayed to the Board how the process was done. Ms. Speidel

also provided a spreadsheet that compared ratings and sales of other Towns from June 14, 2006.

Motion: Selectman Chase made a motion to approve the sale of a $33,959.00 bond note, dated June 19, 2006 and payable June 22, 2007; purchasers Piper Jaffrey & Co., Zions First National Bank, Commerce Capital Markets, Inc. and Bank of America. (Note: Selectman Chase noted a need for a correction because of the implication that the local High School was being built for $34 million). Selectman Dalton seconded the motion. Motion unanimously carried.

Open Session:

1. Ms. McDougall noted that there were rewards for purchased raffle tickets for the July 4th parade.
2. The Chelmsford Community Band will appear at the Hatch Shell.
3. Barry Balan, of the Sewer Commission wanted to thank the Board.

Arts and Technology Education Fund (AETF) Awards:

Glen Doherty, Chairman of the AETF Committee recognized the grant recipients for 2006 and thanked the Board for its commitment. Over the past 10 years contributions have exceeded $70,000.

Evelyn Thoren, School Committee Member, commented on the AETF ten years of success. Ms. Thoren recognized all of the committee members. Ms. Thoren thanked the Board and Town Manager for their continued support.

Awards

1. Teresa Karangioze-Parker School- Digital Camera $350
2. Gale Visniewski -Harrington School-Lending Libarry-$500
3. Norm DeMarias- Parker School – Jeopardy in the Classroom- $750
4. Sheila Kelly- McCarthy School – Videoconferencing - $750
5. Susan Mackinnon – Center School – Microphone System - $250
6. Susan Quesnel – Westlands School – Publishing Center - $400
7. Susan Quesnel – Westlands School – Teaching reading Comprehension - $350
8. Steve Wurtzler, Kristen Graham, Kristi Martin, Jane Washburn – Harrington School – Pilgrim Quest - $500
9. Laurie Adamson, Debra Patuto, Sarah Hardy, Audra Vasquez, Shannon Engel, Jennifer DeFalco, Jennifer Salmon – South Row School – Habits for Success Library -$375

All recipients thanked the Board and the AETF for their support.

Approval of Minutes:

Motion: Selectman Chase made a motion to approve the May 22, 2006 meeting minutes. Selectman Dalton seconded the motion. Motion carried, 1 abstention (Dalton)

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Public Hearing: Petition to install Underground Conduit-National Grid Walter Wiede Street:

Mr. Lynch stated that nothing has been done on the property and has asked Mr. Pearson to mark out the install. Chairman McCall asked if there was anyone present to speak for or against the petition.

Motion: Selectman Chase made a motion to close the public hearing. Selectman Dalton seconded the motion. Motion unanimously carried.

Motion: Selectman Chase made a motion to approve the petition to install an underground conduit; stipulating the feed will come off of pole #1, as recommended by the DPW Director. Selectman Dalton seconded the motion. Motion unanimously carried.

Common Victualer License-Urban Café:

Janet Urban requested a Common Victualer License.

Motion: Selectman Chase made a motion to approve Common Victualer License to Janet Urban for the Urban Café, 12 Chelmsford St, hours of operation Monday – Saturday 11am-9:30pm; subject to the building inspector and Board of Health. Selectman Dalton seconded the motion. Motion unanimously carried.

Common Victualer License-Infusion Bristo:

Philip Proulx requested a Common Victualer License.

Motion: Selectman Chase made a motion to approve the Common Victualer License to Philip Proulx for the Infusion Bistro, 14 Fuller Street, hours of operation Weekdays 11am-10pm and Sundays 11am-5pm; subject to the building inspector and Board of Health. Selectman Dalton seconded the motion. Motion unanimously carried.

Verizon-Double Pole Report/Central Square Poles:

Kathy Frasier, Dracut representative from Verizon addressed the issues concerning the Board.

1. *Princeton Street/Cedar Street-* Ms. Frasier stated that Verizon has completed its work and it was now up to Comcast to remove the double pole.
2. *North Road-* Ms. Frasier stated that the Verizon's cable is scheduled to be removed this month. Selectman Dalton asked if the poles would be removed by July 4th. Ms. Frasier doubted they would be removed by July 4th. Ms. Frasier noted that the senior engineer was on vacation but could be made available for the August Board meeting.
3. *Park Place-* Ms. Frasier stated that the five poles of concern have been removed.
4. *Double Poles-* Ms. Frasier stated that as of June 19, 2006 she showed of the 107 double poles 27 have been removed leaving 80. Mr. Lynch stated that there appeared to be a communications problem with Comcast and their numbers were different for double poles for Mill Road. Ms. Frasier stated she had notified Comcast. Ms. Frasier noted that the state double pole project is now working out

of Verizon's garage, and she will be able to address specific concerns from the Town. Selectman Eliopoulos suggested having the senior engineer at the next Board meeting in August. Ms. Frasier stated that she would schedule it.

5. Underground Project- Ms. Frasier stated that there are thirty nine outstanding easements. Mr. Lynch stated that he was working on getting them signed but there have been problems. Mr. Lynch reported that Verizon has spent $609,000, and has collected $678,000; whereas Mass Electric/National Grid has spent $411,000, and has collected $3,090,000; in surcharges.

Meadowcrest Lane-Drainage Easement:

Jim Pearson, Town Engineer requested a Drainage Easement from the Board.

Motion: Selectman Chase made a motion to approve the replacement of the Meadowcrest Lane drainage original easement. Selectman Dalton seconded the motion. Motion unanimously carried.

North Road/Parkhurst Road/Davis Road-Temporary Easement:

Mr. Pearson requested an approval from the Board to abandon the easement.

Motion: Selectman Chase made a motion to abandon the replacement North Road/Parkhurst Road/Davis Road temporary easement.

Town Manager Reports:

1. Mr. Lynch updated the Board on Vinal Road. Mr. Pearson displayed a diagram to the Board with the upcoming changes and stated that easements may be needed for parking and drainage. Mr. Pearson noted that the shoulder may need to be widened.
2. Mr. Lynch reported that the Town is in a positive position and revenue was better than predicted.
3. Mr. Lynch reported that the web page was improving and the unveiling will be July 1, 2006. The web page will look more uniform and consistent and all documents are being updated. The site is more navigational with directories and a search engine. Mr. Lynch noted that the Town is looking for pictures to create a history of the Town. Mr. Lynch displayed the on-line payment options that will be available. Selectman Dalton suggested having pictures of the each department on the web site, as well as streaming video of the Town.

FY 06 Annual Appointments:

(R denotes reappointment)

ADA Coordinator				
	R	Ralph B. Hickey		06/30/08
Appeals, Board of				**3 year term**
	R	James M. Begley	Alternate	06/30/07
	R	John Blake		06/30/09

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R	Joel J. Luna	Alternate	06/30/07
R	Judith A. Tavano	Alternate	06/30/07

Arts and Technology Education Fund — **3 year term**

R	Glenn L. Doherty	06/30/09
R	Patricia Kahl	06/30/09
R	Angelo Taranto	06/30/09

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Assessors — **3 year term**

R	John J. Duffett	06/30/09

Cable Access Foundation — **2 year term**

R	Scott Glidden	06/30/09

Chelmsford Home Rule Charter Review Committee — **1 year term**

R	Cheryl Boss	06/30/07
R	Alexander E. Buck	06/30/07
R	Glenn L. Doherty	06/30/07
R	Arnold J. Lovering	06/30/07
R	Harold I. Matzkin	06/30/07
R	John C. Thibault	06/30/07
R	Glenn R. Thoren	06/30/07
R	Donald F VanDyne	06/30/07
R	Patricia Wojtas	06/30/07

Coalition Against Crime

R	Kathy Cryan-Hicks	06/30/07
R	Holly Hamilton	06/30/07
R	Deborah Monteforte	06/30/07
R	James F. Murphy	06/30/07
R	Colin Spence	06/30/07

Community Action Program

R	Peter E. Bagni	06/30/07
R	James Clancy	06/30/07
R	Andrea Flagg Ross	06/30/07
R	Eric T. Groves	06/30/07
R	Kellie Hebert	06/30/07
R	Beverly Koltookian	06/30/07
R	Denise Marcaurelle	06/30/07
R	Deborah Villano	06/30/07

Community Preservation Fund Committee — **3 year term**

R	Michael F. McCall	06/30/09
R	Robert C. Morse	06/30/09
R	James E. Pearson	06/30/09
R	Andrew Sheehan	06/30/09

Community Teamwork

R	Diana Ryder	06/30/07

Conservation Commission			**3 year term**
	R	W. Robert Greenwood	06/30/09
	R	Caroline Hampton	06/30/09
	R	Ruth E. Luna	06/30/09
Council on Aging			
	R	Stella Apostolos	06/30/07
	R	Diana Boisvert	06/30/07
	R	John Clancy	06/30/07
	R	John H. Cody	06/30/07
	R	Robert J. Grippo	06/30/07
	R	Joan L Latourneau	06/30/07
	R	Louise C. Myers	06/30/07
	R	Mary Jane Rainge	06/30/07
	R	Paul Sweeney	06/30/07
	R	Thomas D. Turner	06/30/07
	R	Elizabeth A. Warburton	06/30/07
Cultural Council			**2 year term**
	R	Alexandra Roark	06/30/08
	R	Lois A. Alves	06/30/08
	R	Jeffrey W. Carney	06/30/08
	R	Anne Marie Messier	06/30/08
Disabilities Commission			**3 year term**
	R	Lauren M. Burgess	06/30/09
	R	David B. Singer	06/30/09
Emergency Management			
	R	John E. Abbott	06/30/07
	R	Paul Eriksen	06/30/07
	R	Walter Hedlund	06/30/07
	R	Stephen J. Maffetone	06/30/07
	R	William Ohm	06/30/07
Fence Viewer			
	R	James Pearson	06/30/07
Great Brook State Park Advisory Board			
	R	Harold I. Matzkin	06/30/07
Hazardous Waste Coordinator			
	R	Richard Day	06/30/07
Historic District Commission			**3 year term**
	R	Richard P. Burkinshaw	06/30/09
	R	Kathleen E. Howe	06/30/09
	R	Dennis J. Ready Alternate	06/30/09

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Historical Commission				**3 Year term**
	R	Frederic S. Merriam		06/30/09
	R	Linda Prescott		06/30/09
	R	Martha Sanders		06/30/09
Local Emergency Planning Committee				
	R	Richard Day		06/30/07
	R	Walter Hedlund		06/30/07
	R	Bernard F. Lynch		06/30/07
	R	James F. Murphy		06/30/07
	R	John E. Parow		06/30/07
	R	James E. Pearson		06/30/07
	R	Gary Persichette		06/30/07
	R	Susan Rosa		06/30/07
	R	James A. Sousa		06/30/07
Merrimack Valley Health Planning Council				
		Diana Ryder		06/30/07
Middlesex Canal Commission				
	R	William E. Gerber		06/30/08
	R	Robert C. Morse		06/30/08
	R	Jane Drury	Alternate	06/30/08
Northern Middlesex Council of Governments (NMAC)				
	R	Bernard F. Lynch	Alternate	06/30/07
Recycling Committee				
	R	Mark Gallagher		06/30/07
	R	Ronald L. Goodner		06/30/07
	R	Marc Grant		06/30/07
	R	Nancy W. Kaelin		06/30/07
	R	Johanna Morse		06/30/07
	R	Bonnie Rankin		06/30/07
School Building Committee				
	R	Alexander E. Buck		06/30/07
	R	Nicholas A. DeSilvio		06/30/07
	R	Patrick J. Maloney		06/30/07
	R	Thomas Newcomb		06/30/07
	R	Gary Persichetti		06/30/07
	R	David Turocy		06/30/07
		Christina Walsh		06/30/07
Sealer of Weights and Measures				
	R	Leon J. Swinarski		06/30/07
Sign Advisory Committee				**3 year terms (except non-vtg mem)**
	R	Philip Jones		06/30/09

Telecommunications Advisory Committee

R	Noel R. Dulac	06/30/07
R	John Fahey	06/30/07
R	Robert Haigh	06/30/07
R	James L. Hickey	06/30/07
R	Federick Peterson	06/30/07

Town Celebrations Committee/4th of July Committee

R	James Gifford	06/30/07
R	Walter Hedlund	06/30/07
R	Robert Kelley	06/30/07
R	David Marderosian	06/30/07
R	Jeffrey W. Stallard	06/30/07

Veterans Emergency Fund Committee

R	Alfred H. Coburn	06/30/07
R	Thomas E. Firth, Jr.	06/30/07
R	Lloyd C. Greene, Jr.	06/30/07
R	Alan E. Greenhalgh	06/30/07
R	John J. Kenney	06/30/07
R	Robert L. Laporte	06/30/07
R	Carl J. Lebedzinski	06/30/07
R	Frederick H. Reid	06/30/07
R	Neal C. Stanley	06/30/07

Motion: Selectman Chase made a motion to approve the annual appointments for FY06 as submitted by the Town Manager. Selectman Dalton seconded the motion. Motion unanimously carried.

Town Manager Bid/Contracts:

1. *Sewer Division Flush Truck-* Mr. Lynch requested that the Board approve the Sewer Flush Truck to Taylor and Lloyd, Inc, 8 Railroad Ave for $146,600; in accordance to Section 4.3 of the Charter

   Motion: Selectman Chase made a motion to approve the 2007 Sewer Flush Truck to Taylor and Lloyd, Inc, 8 Railroad Ave for $146,600. Selectman Dalton seconded the motion. Motion unanimously carried.

2. *Network Equipment-School Building Committee-* Mr. Lynch requested that the Board approve the Network Equipment for the School Building Project for $51,176 to Accords Corp, in accordance with Section 4.3 of the Charter.

   Motion: Selectman Chase made a motion to approve the Network Equipment for the School Building Project for $51,176 to Accords Corp. Selectman Dalton seconded the motion. Motion unanimously carried.

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TOWN CLERK

3. *DPW Bid Item #15, Bituminous Concrete-* Mr. Lynch stated that this was delayed because of the date the bids were due. Mr. Lynch requested that the Board approve the DPW bid item #15 Bituminous Concrete to for to All State Asphalt for $2.15 per square yard, in accordance to Section 4.3 of the Charter.

   Motion: Selectman Chase made a motion to approve DPW bid item #15 Bituminous Concrete to for to All State Asphalt for $2.15 per square yard. Selectman Dalton seconded the motion. Motion unanimously carried.

4. *DPW Bid Item #19, Guardrail-* Mr. Lynch requested the Board approve the DPW bid item #19 for Guardrails to Premier Fence for $19.25 per linear foot.

5. **Motion:** Selectman Chase made a motion to approve the DPW bid item #19 for Guardrails to Premier Fence for $19.25 per linear foot. Selectman Dalton seconded the motion. Motion unanimously carried.

Section 19:

Mr. Lynch stated that this issue has been discussed with Town Counsel and that they advised that once Section 19 was adopted it would be hard to remove. Chairman McCall suggested putting off a vote for further discussion. Selectman Chase agreed that a work session to discuss Section 19 would be needed. The Board decided to defer the vote until the July 24, 2006, meeting.

Town Manager Appointments:

Mr. Lynch requested that the Board approve Dennis Bak and Paul Morrison to two year terms on the Capital Planning Committee. Mr. Lynch also asked the Board to approve John Giorgio to a one year term as Town Counsel, and Bill Dalton as the NMCOG liaison for the Board.

Motion: Selectman Chase made a motion to appoint the following:

1. Dennis Bak and Paul Morrison to two year terms on the Capital Planning Committee.
2. John Giorgio to a one year term as Town Counsel.
3. Bill Dalton as Board liaison to NMCOG.

Selectman Dalton seconded the motion. Motion unanimously carried.

Selectman Dalton commented on having knowledgeable counsel for the Town. Selectman Dalton expressed concern over a past Town Counsel that was not up to par. Mr. Lynch noted that that counsel would not be returning to Chelmsford.

Motion: Selectman Chase made a motion to appoint the Town Counsel for the Town of Chelmsford to Kopleman and Paige. Selectman Dalton seconded the motion. Motion unanimously carried.

Motion: Selectman Chase made a motion to reappoint Jimmy Good to a one year term expiring June 30, 2007, to the LRTA. Selectman Dalton seconded the motion. Motion unanimously carried.

Selectman Referrals:

Selectman Eliopoulos made the following referrals:

1. Selectman Eliopoulos asked for an update on the bike path. Mr. Lynch stated that the Town is hoping construction would start in the spring.

Selectman Chase made the following referrals:

1. FinCom will be meeting to discuss transfers of funds.
2. Selectman Chase stated that he was unaware of the new principals chosen for the middle schools.
3. Selectman Chase asked about how much the Golf Course currently charges. Mr. Lynch stated that he was unsure and would check.

Selectman Newcomb made the following referrals:

1. Selectman Newcomb commented on the e-mails received on concerns from residents has been helpful.
2. The School Building Committee is continuing to meet and construction is ongoing. Selectman Newcomb stated that tours of the newly constructed areas would occur soon.

Selectman Dalton made the following referrals:

1. Selectman Newcomb asked about the Dunshire Street property. Mr. Lynch stated that he has not heard anything as of the last Board meeting.

Chairman McCall made the following referrals:

1. Chairman McCall urged residents to buy July 4th raffle tickets.

Press Questions:

John Ciampa, Chelmsford Independent

Mr. Ciampa asked when the new web page would be up. Mr. Lynch stated that the site would be up July 1, 2006.

Motion: Selectman Chase made a motion to adjourn at **10:05pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, July 5, 2006
50 Billerica Road, Town Offices

2006 JUL 12 PM 6:39

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
William F. Dalton, Selectman Clerk
Bernard Lynch, Town Manager

6:05pm
Selectman Chase called the meeting to order. Mr. Lynch stated that the Board asked for a meeting to discuss his new position as Lowell's City Manager. Mr. Lynch stated that he had mixed emotions about leaving, and that the Board needed to go into Executive Session to proceed with negotiations.

Chairman McCall commented that the Executive Session purpose was to address contractual issues, and that the Board will most likely not come back to regular session. Chairman McCall noted that a timeline may also be addressed in Executive session along with how to proceed with the transition to a new Town Manager. Selectman Eliopoulos added that the Board is meeting Monday night and that may be a good time to fully discuss and decide on the process of finding a new Town Manager. Mr. Lynch noted that the meeting would allow the Board to speak with Town Counsel about the transition process that would result from his resignation and departure date.

Ms. Hiroko Sato of the Lowell Sun asked if a search committee would be formed immediately or would discussion occur prior to a search committee being assembled. Chairman McCall replied that it was the terms of Mr. Lynch's contract that would be discussed; in depth discussion would occur at Monday's meeting. Chairman McCall stated that for the good of the community the Board does not want to rush the process. Ms. Sato wanted to know what issues couldn't be discussed in the open meeting. Mr. Lynch replied that it concerned his contract.

Motion: Selectman Chase made a motion to adjourn to executive session at **6:14pm**. Selectman Dalton seconded the motion. Roll call vote:
Chase- Aye
Eliopoulos- Aye
Dalton- Aye
Newcomb- Aye
McCall- Aye

Respectfully submitted,

Patrice Garvin

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2006 AUG 29 PM 12:12
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TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, July 10, 2006
50 Billerica Road, Town Offices

Attending:
Michael F. McCall, Selectman Chairman
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman

Bernard Lynch, Town Manager

Samuel Chase, Selectman Vice Chair was absent

6:25pm
Chairman McCall called the meeting to order, and explained that Selectman Newcomb would arrive later.

Town Manager Awards:
Mr. Lynch recommended that the auditor's contract should be awarded to Powers & Sullivan for $45,000. Mr. Lynch stated that two other auditing firms were interviewed. Finance Director Kerry Speidel informed the Board that Brown, who has audited the Town in the past, is a small firm. Powers & Sullivan is a much larger firm, with firmer ties to the state, and is a better choice for the Town.

> **Motion:** Selectman Eliopoulos made a motion to approve the Town Manager recommendation of Powers & Sullivan as the Town auditing firm for $45,000. Selectman Dalton seconded the motion. Motion carried.

Vision Appraisal:
Mr. Lynch stated that one proposal was received from Vision Appraisal, which has served the Town in the past; therefore he recommended that the Board approve the award for Vision appraisal for $34,000.

> **Motion**: Selectman Eliopoulos made a motion to approve Vision Appraisals for $34,000. Selectman Dalton approved. Motion carried.

FY 06Goals and Objectives:
Mr. Lynch presented the Board with an update on the goals that have been worked on throughout the past year. Mr. Lynch stated that the Town focused on three areas: Fiscal Stability, Managing Town Growth and the Town's Infrastructure.

Fiscal Stability
Mr. Lynch stated that the budget is an ongoing process, and that the Town is the first in the state to implement GASBY45.

Fiscal trend reports have been generated by Town departments, and there will be a full presentation at Fall Town Meeting. Mr. Lynch reported that the case for selling Town

owned land was made at the Spring Town Meeting; in order to place money into the stabilization fund.

Manage Town Growth
Mr. Lynch reported on the creation of the Master Plan, and the Implementation Subcommittee that has been formed from it. Mr. Lynch commented on the plans for an extended rail station, which is likely to move forward. Mr. Lynch stated that an island in the center will be constructed, and the suppression of the utilities is also moving along.

Mr. Lynch reported that the Drum Hill rotary is wrapping up. Mr. Lynch hoped the bike path would begin construction by the spring. Mr. Lynch noted that the web page changes are ongoing and the Town is working with Chelmsford Telemedia.

**Chairman McCall recognized that Selectman Newcomb had arrived*

Enhance Government Structure
Mr. Lynch commented on the Charter Review Committee's presentation on July 24, 2006. Mr. Lynch also commented on the Fire Departments proposal for a Town run service. Mr. Lynch reported that payroll is now automated, and that there is a need for one network for the Town.

Public Infrastructure
Mr. Lynch commented on the near completion of the School Building Project. Mr. Lynch stated that the recreation improvements to parks are underway. Mr. Lynch commented on the recent flood and the ongoing clean up around Town. Mr. Lynch concluded by stating that the goals are continuously being met. Chairman McCall suggested having a wrap up meeting with Mr. Lynch and the Interim Town Manager before July 31st.

Approval of Meeting Minutes:

Motion: Selectman Dalton made a motion to approve the July 5, 2006 Regular Meeting minutes. Selectman Eliopoulos seconded the motion. Motion carried.

Motion: Selectman Dalton made a motion to approve the July 5, 2006 Executive Session meeting minutes for content. Amended: Page 2, 2nd paragraph delete word "Town"; Page 3, second paragraph, delete third sentence; page 3, second paragraph add "during the interview process" at the end of the word "concerns". Selectman Eliopoulos seconded the motion. Motion carried.

Motion: Selectman Dalton made a motion to release the July 5, 2006, Executive Session meeting minutes. Selectman Eliopoulos seconded the motion. Motion carried.

Transition of Town Manager:
Mr. Lynch handed out a sheet outlining key items that the department heads are currently working on. The key items were, FY07 Budget Closeout, FY07 Budget Adjustment, Fall

Town Meeting Warrant, GASBY 45 Analyses, Center utility Depression, North Road Lights, Bikepath, Fiscal Foredast, School Project, Fire and Police Agreements, Central Square Easements, and North Chelmsford Water.

Selectman Newcomb stated that the School Building Project was starting the first step in receiving reimbursements from the state. Selectman Newcomb stated that the Board would have to meet prior to July 31st for a vote.

Chairman McCall introduced the subject of appointing an Interim Town Manger. Chairman McCall stated that it made sense to appoint someone that had working knowledge of the Town. Chairman McCall recommended Kerry Speidel be appointed as the Interim Town Manager. Chairman McCall stated that he has spoken with Ms. Speidel and she was interested in the position. Chairman McCall noted that it is a 90 day appointment with a stipend of $2,500 a month.

> **Motion:** Selectman Eliopoulos made a motion to offer Kerry Speidel the position of Interim Town Manger for a 90 day period, as dictated in the Town Charter, with a stipend of $2,500. Selectman Dalton seconded the motion. Motion carried.

Search Process

Chairman McCall explained that as set forth by the Town Charter, a screening committee would be established. A job description has been created and sent to the BEACON and IMCA publications. Selectman Eliopoulos stated that under the transitional section of the charter it calls for a nine member screening committee, and interested residents should submit their intent to the Town Manager's office. Mr. Lynch noted that the deadline for Town Manager applications is August 10th. Selectman Eliopoulos suggested that the screening committee meet prior to the application deadline. Chairman McCall stated that the initial round of applicants would be held in Executive Session and only when interviews begin for the semi-final round would the meetings be public. Selectman Dalton suggested that at the July 24th meeting screening committee members be appointed.

> **Motion:** Selectman Dalton made a motion that the five members of the Board of Selectmen be placed on the Town Manager Screening Committee; and that anyone interested in being on the committee apply by July 20, 2006; with formal appointment on July 24, 2006. Selectman Newcomb seconded the motion. Motion carried.

Selectman Eliopoulos suggested that Town Counsel be present at the first Screening Committee meeting. Chairman McCall suggested that Mr. Lynch put together an outline of what he would look for in a Town Manger candidate.

Selectman Referrals:

Selectman Dalton made the following referrals:

1. Selectman Dalton expressed concern over the leaking of information to the press concerning Executive Session discussions, and felt it was inappropriate.

Selectman Eliopoulos made the following referrals:

1. Selectman Eliopoulos was concerned with the dam that was compromised, which the Town of Carlisle owns jointly with Chelmsford. Mr. Lynch stated that historically the water is used for the operation of the bog, and the state recognizes that the parcel of land is jointly owned. Mr. Lynch stated that the Town of Carlisle is interested in solving the problem. Mr. Lynch stated that the questions are who is responsible for the water level and who is responsible for it maintenance. Mr. Lynch stated that the Town was looking for a long term solution to the problem and would continue to work on the issue.

Selectman Newcomb made the following referrals:

1. Selectman Newcomb stated that the statement of interest forms for the School Building Committee needed to be voted on by July 31, 2006 to start the reimbursement process from the state.

Chairman McCall made the following referrals:

1. Chairman McCall commented on the North Chelmsford Water District, and the pending Board of Appeals meeting coming up.
2. Chairman McCall reported that there is a sink hole on Main Street that needed to be addressed.
3. Chairman McCall reported that Kevin Porter, of the School Committee, has requested a joint meeting with the Board of Selectmen and FinCom for September.

Selectman Dalton made the following referrals:

1. Selectman Dalton commented on the elimination of the leaf pick-up program and its repercussions. Mr. Lynch stated that he and the Recycling Coordinator are set to meet to discuss the issue.

Press Questions:
Chelmsford Independent:

1. Asked to review the dates.

July 20, 2006-Screening Committee application deadline
July 24, 2006-Appointment of Screening Committee members
August 10, 2006-Town Manger resume deadline
First week August-Meeting 1 of Screening Committee with Town Counsel
Third week August- Screening Committee meets to review resumes

Lowell Sun:
Asked where the Town Manager job posting was placed. Mr. Lynch stated that it was placed in the BEACON, IMCA and local newspapers.

Independent:
Inquired about the cranberry bog issue. Selectman Eliopoulos stated that there were potential environmental dangers.

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Motion: Selectman Dalton made a motion to adjourn at **8:40pm**. Selectman Eliopoulos seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

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ELIZABETH E. DELANEY
TOWN CLERK

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, July 24, 2006
50 Billerica Road, Town Offices

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
Bernard Lynch, Town Manager

7:07pm
Chairman McCall called the meeting to order.

PSA:

1. Regina Jackson, of the Vietnam Memorial Committee, updated the Board on the Vietnam Memorial being planned for Vinal Square. Ms. Jackson hoped to raise $20,000. Ms. Jackson named the soldiers who would be honored on the memorial and the Committee members.

   Jim Pearson, a member of the Vietnam Memorial Committee, stated that the names on the memorial would be facing the flag. Chairman McCall asked if a *Bench of Reflection* was being planned. Mr. Pearson stated that if money is left over a bench may be possible. Ms. Jackson noted that to donate money to the memorial to contact the old Town Hall.

Open Session:

1. David Eacrett, 11 Leedburg Street, is an abutter to the Route 3 widening project was concerned with a recent article in a Billerica newspaper. Mr. Eacrett said that the paper stated that a meeting was occurring for sound barriers. Selectman Eliopoulos stated that the meeting was an information session for that specific neighborhood. Selectman Eliopoulos stated that Chelmsford's outcome has been determined by the state and the state will not fund the barrier. The state saved money when the Town passed on sound barriers for the high school. Mr. Eacrett asked members of the Board to come to his neighborhood to hear what they are dealing with. Selectman Eliopoulos stated that he would continue working on the sound barriers and would come to Mr. Eacrett's neighborhood soon.

Approval of Minutes:

Motion: Selectman Chase made a motion to approve the May 22, 2006 Executive Session Minutes. Selectman Dalton seconded the motion. Motion carried with one abstention (Dalton).

Motion: Selectman Chase made a motion to approve the June 5, 2006, regular meeting minutes. Selectman Dalton seconded the motion. Motion unanimously carried.

Town Manager Reports:

1. Mr. Lynch noted that the School Building Committee was looking to meet before the Statement of Interest forms are signed because the state needs to have the Board of Selectmen and School Committees approval.
2. Mr. Lynch reported that the Chelmsford 350th Journals have been released and are being sold at Town Hall.
3. Mr. Lynch noted that this was his last official meeting with the Board of Selectmen, and thanked the board and the people of Chelmsford.

Town Manager Appointments:

1. *Information Technology Advisory Committee*- Mr. Lynch requested the Board approve the appointments to the IT Advisory Committee.

   Motion: Selectman Chase made a motion to approve the following people to a one year term on the Information Technology Advisory Committee: Dennis Bak, Tom Shriak, Thomas Carol, Charles Keene, Troy O'Neil, Paul Deluca, Karen Ready; Ted Lutter and Bruce Forrester as non voting members. Selectman Dalton seconded the motion. Motion unanimously carried.

   Selectman Chase noted that the make-up of the committee was good and complimented the Town Manager on the appointments.

2. *Deputy Constable*- Mr. Lynch requested the Board approve the appointment of the Deputy Constable.

   Motion: Selectman Chase made a motion to approve John Guilfoyle as Deputy Constable. Selectman Dalton seconded the motion. Motion unanimously carried.

One Day Beer and Wine License- St. Vartanantz Church:

Mr. Lynch stated that this license was for August 13, 2006, for 350 people from 12pm-6pm.

Motion: Selectman Chase made a motion to approve as one day beer and wine license for August 13, 2006, to St. Vartanantz Church on 180 Old Westford Road from 12pm-6pm. Selectman Dalton seconded the motion. Motion unanimously carried.

Public Hearing-Beer Wine and Wine Package Store License- Urban Café:

David Keele, attorney for Janet Urban owner of the Urban Café, described to the Board the idea of take-out meals for customers. Mr. Keele requested a beer/wine package license in order for Ms. Urban to be able to sell wine or beer when customers purchase meals. Ms. Urban stated that this type of service is one of the fastest growing in the restaurant business. Ms. Urban stated that she would carry high end limited variety of

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TOWN CLERK

beer and wine. Selectman Chase asked if someone came into the business and wanted beer or wine without a meal would it be sold. Mr. Keele replied that it would be sold. Selectman Newcomb asked if wine would be served at the tables in the establishment. Ms. Urban stated that she would not serve wine to people sitting.

Selectman Eliopoulos reminded the Board that a mixed liquor license has not been issued in Town. Mr. Keele asked the Board to continue the public hearing.

Dennis Ready, resident-16 Parkhurst Road, stated that during his tenure as a Selectman, mixed liquor licenses were not approved.

> **Motion:** Selectman Chase made a motion to continue the public hearing for a wine and beer license to Urban Café until August 21, 2006. Selectman Dalton seconded the motion. Motion unanimously carried.

Public Hearing-Beer Wine Restaurant License-Infusion Bistro:

Philip Proulx requested a restaurant liquor license and stated that he was TIP certified. Selectman Eliopoulos asked Mr. Proulx what his experience has been. Mr. Proulx stated that he has worked for the past few years. Chairman McCall asked if there was anyone present to speak for or against the license.

> **Motion:** Selectman Chase made a motion to continue the public hearing for a wine and beer license to Infusion Bistro until August 21, 2006. Selectman Dalton seconded the motion. Motion unanimously carried.

Public Hearing-Common Victualer License and Beer and Wine Restaurant License-Fish Shops, Inc:

Ali Reza Zosherafatain represented by Dennis McHugh requested a Common Victualer License and a Beer and Wine License. Mr. McHugh stated that Mr. Zosherafatain also owns a restaurant in Acton. Mr. McHugh noted that there may be seating outside, and parking in the rear. Mr. McHugh added that this restaurant would be perfect for the Town and its center. Selectman McCall asked if there was anyone to speak for or against the licenses.

John Harrington, of Harrington Liquors was in full support of the restaurant and good for the Town.

> **Motion:** Selectman Chase made a motion to continue the public hearing for a wine and beer license to Fish Shops Inc., until August 21, 2006. Selectman Dalton seconded the motion. Motion unanimously carried.

> **Motion:** Selectman Chase made a motion to approve the Common Victualer License to Fish Shops Inc., 34 Central Square; hours of operation weekdays 11:30 am– 10pm, and Sunday 11am-9:30pm. The Fish shop hours will be Monday through Saturday 9:30am-10:pm. Selectman Dalton seconded the motion. Motion unanimously carried.

LIP- Westland Commons -194 Chelmsford St.:

Douglas Haulser, representing Westland Commons, stated that a site walk would be scheduled for the Board within the week. Mr. Haulser also requested that a liaison be appointed by the Board to work with the project. Mr. Haulser asked that at the August 21st meeting the Board would discuss the project.

Joseph Peznolla presented the Board with a Power Point presentation. Mr. Peznolla stated that there would be thirty-five single one bedroom units. Mr. Peznolla proposed the project be built off of the existing structure. There would be eleven affordable units for $112,000, and the rest would be market value at $205,000.

Chairman McCall asked if the lanes were wide enough to get emergency vehicles down them. Mr. Peznolla stated that the site would have 24-foot aisles. Selectman Dalton was concerned with the inconsistencies in the report the Board received, and what was being presented. Mr. Haulser stated that the inconsistencies would be cleared up by the August 21st meeting. Selectman Newcomb was concerned with the buffering of the property and if the buffer was being removed. Mr. Haulser stated that the site visit would answer some of the Board's questions. Chairman McCall scheduled the site walk for Monday July 31, 2006 at 6:00pm.

Abutters

1. Jane Monahan, representing her brother stated that abutters have not been properly informed of the project. Chairman McCall stated that the abutters would be notified of the site visit.
2. Debra Deery, an abutter stated her concern that when they were building the day care center it was stated it would not be developed. Ms. Deery stated that there are only two acres of land: too little of space for what is being proposed.
3. Michael Dow, an abutter wanted to apologize to the Board because they were not familiar with the process of a LIP project. Selectman Dalton stated that a LIP is a 40B and is so all parties can come to a mutual agreement.

Motion: Selectman Chase made a motion to appoint Selectman Dalton as Liaison to the Westlands Project. Selectman Newcomb seconded the motion. Motion unanimously carried.

Motion: Selectman Chase made a motion to continue the discussion of the Westlands Commons until August 21, 2006. Selectman Dalton seconded the motion. Motion unanimously carried.

Charter Review Committee's (CRC) Final Report:

Arnold Lovering, Chairman of the CRC addressed the Board. Mr. Lovering stated that the CRC met over a twelve month period to review the existing charter. Mr. Lovering stated that the report was available on a CD. Mr. Lovering named the following members of the committee: Cheryl Boss, Pat Wojtas, Alex Buck, Glenn Thoren, Glenn Doherty, Hal Matzkin, John Thibault, and Donald Van Dyne.

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Mr. Lovering stated that there were three methods to changing the charter and the CRC is recommending that there be no Charter Commission, but move to change the charter by the spring.

Mr. Lovering explained the phases that the CRC went through when looking at the Charter. Mr. Lovering noted that public input was an important part of the process. Mr. Lovering pointed to the Decisions Narratives part of the report, which shows the changes recommended; as well as the CRC rationale for the changes.

Mr. Lovering discussed some of the recommended changes that the CRC has made. Chairman McCall asked about the change in the Town Manager's position from an indefinite term to a definite term. Selectman Newcomb stated that there is a difference between the Town Manager's contract and term.

CRC recommended that the Board have power to appoint ad hoc policy committees and extended the review process to thirty days. CRC recommended that the Cemetery and Sewer Commission's stay elected and are increased to five member Boards. Mr. Lovering presented the Board with a timeline to get the changes enacted. Selectmen Dalton and Eliopoulos echoed the sentiments made by Chairman McCall relating to the quality of the report.

> **Motion:** Selectman Chase made a motion to accept the CRC Final Report, submitted July 24, 2006, for the purpose of further review and evaluation. Selectman Dalton seconded the motion. Motion unanimously carried.

Release of a Drainage Easement at 11 Horseshoe Road:

> **Motion:** Selectman Chase made a motion to approve the release of the drainage easement at 11 Horseshoe Road to Kathleen and Brian Pickett. Selectman Dalton seconded the motion. Motion unanimously carried.

Town Manager Screening Committee Appointments:

Chairman McCall noted that many people applied for the committee and asked each Board member to nominate up to eight people.

Selectman Eliopoulos: Clare Jeannotte, Paul Gleason, Sheila Pichette, James Good, John Blake, Dennis Ready, Ellen DiPasquale, and Cheryl Boss.

Selectman Chase: Clare Jeannotte, Paul Gleason, Sheila Pichette. Glen Doherty, George Merrill, John Blake, Ellen DiPasquale and Mary Tiano.

Chairman McCall: Cheryl Boss, Ellen DiPasquale, glen Doherty, Paul Gleason, James Good, Clare Jeannotte, Sheila Pichette, Holly Prees.

Selectman Dalton: George Merrill, Jeffrey Hardy, Dennis Bak, Sheila Pichette, Clare Jeannotte.

Selectman Newcomb: Cheryl Boss, Ellen DiPasquale, Paul Gleason, Clare Jeannotte, Debra Morrissey, Holly Prees, Sandra Rega and Mary Tiano.

Chairman McCall recognized the four top vote getters as: Clare Jeannotte, Paul Gleason, Sheila Pichette and Ellen DiPasquale. Selectman Newcomb volunteered to step down on the committee to have more citizen participation. Chairman McCall then asked the Board to pick a fifth member. Selectman Chase advocated for George Merrill, an established authority of the Town. Selectman Dalton wanted to best serve the best interest of the Town. Chairman McCall recognized that Cheryl Boss would be the fifth member.

> **Motion:** Selectman Chase made a motion to approve the following members to the Town Manager Screening Committee: Clare Jeannotte, Paul Gleason, Sheila Pichette, Ellen DiPasquale and Cheryl Boss. Selectman Dalton seconded the motion. Motion unanimously carried.

Selectman Eliopoulos stated that a meeting needed to occur before résumés start to come in to discuss the responsibilities and parameters of the committee. Selectman Eliopoulos also wanted to have a confidentiality form written up by Town counsel for the screening committee members to sign.

> **Motion:** Selectman Chase made a motion to approve the following Board members to the Town Manager Screening Committee: Samuel Chase, Bill Dalton, Mike McCall and Philip Eliopoulos. Selectman Dalton seconded the motion. Motion unanimously carried.

Selectman Referrals:

Selectman Newcomb made the following referrals:

1. The School Building Committee is requesting authorization from the Board and School Committee to start the reimbursement process from the state.
2. Selectman Newcomb asked about the property on Boston Road. Mr. Lynch stated he received a letter to clear the site.
3. Selectman Newcomb stated that there is a sign on Garrison Road that stated "No Trucks" and needs to be taken down.
4. Selectman Newcomb stated that a site walk for the new school construction will be scheduled soon.

Selectman Dalton made the following referrals:

1. Selectman Dalton commented on a four way stop sign at Church St. and Quigley Ave.
2. Selectman Dalton commented on field maintenance. Mr. Lynch reported that a memo has been forwarded to the director of maintenance.
3. Selectman Dalton was concerned with the current status of the DPW site. Selectman Eliopoulos asked if Mr. Pearson could come in to discuss the problem.

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TOWN CLERK

Selectman Chase stated that there was a need for action because no progress is being made. Chairman McCall reiterated that a meeting with Mr. Pearson would be necessary to clear up the issues. Mr. Lynch warned the Board of its actions, because it could cripple the operation of the DPW site.

Selectman Chase made the following referrals:
none

Selectman Eliopoulos made the following referrals:

1. Selectman Eliopoulos recognized Mr. Lynch's years of hard work and thanked him for his service to the Town.

Chairman McCall made the following referrals:

1. Chairman McCall asked about some Comcast subscribers that have called him. Mr. Lynch stated that he would check on this issue.
2. Kevin Porter, Chairman of the School Committee asked about a joint meeting in early September.

Press Questions:

The Sun,
Asked why there were five members from the public on the Town Manager Screening Committee. Selectman Newcomb stated that he stepped down so the committee would have stronger resident participation.

John Ciampa, Chelmsford Independent
Mr. Ciampa asked about recent events concerning Selectman Newcomb. Chairman McCall stated that it was a personal matter and should stay outside of the meeting

Motion: Selectman Chase made a motion to adjourn at **10:20pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
BOARD OF SELECTMEN
WORK SESSION MINUTES
Monday July 24, 2006
50 Billerica Rd.

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06 AUG 29 PM 12:42
CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

Members Present: Sam Chase, Bill Dalton. and Philip Eliopoulos
Members Absent: Michael McCall, Chair and Tom Newcomb
Also Present: Bernard F. Lynch, Town Manager

12:05 p.m.
Selectman Chase called the meeting to order. He stated that the purpose of the work session was to discuss the formation of the Town Manager Screening Committee. The Board was scheduled to appoint the citizen members of the nine person committee at the regular scheduled meeting that evening. He went on to ask the other members of the Board if they felt an adequate number of applications had been received to meet the charter charge for the committee to represent the community and its demographics. The Board agreed that more than enough qualified applicants had expressed interest in participating.

Selectman Chase explained that the charter dictates that the committee consists of nine members with the option given to the Board of Selectmen to participate as five of those nine members. Selectman Chase announced that Selectman Newcomb via email had declined to serve on the committee in order to expand public participation. His decision would allow for an additional citizen member bringing the total to five. The committee's involvement in the process was limited to screening and interviewing the initial candidates. Once the finalists were selected it was up to the Board to interview the finalists and appoint the Town Manager.

Selectman Eliopoulos suggested that the Board use the work session to discuss how it would go about selecting and then voting to appoint the committee members at the meeting that evening. He found that many of the candidates were extremely qualified in a range of areas; from professional recruiting experience to excellent knowledge of community issues.

Selectman Eliopoulos suggested once the committee was established it should meet with department heads to gain their valuable insight and information. Their participation would make them a part of the process and alleviate some of the anxiety that goes along with such a transition. Selectman Chase asked if the Board felt that the committee should be formally structured with a chair. The Board agreed that a chair would serve to run and organize the meetings.

Selectman Dalton asked for clarification on the Town Manager selection process and applicant confidentiality. Mr. Lynch explained that the names of the applicants would remain confidential until the finalists had been chosen. At that point the names would be released. Selectman Eliopoulos suggested that town counsel should attend the first meeting to provide advice and clarification of both the process and the role of the committee.

The Board returned to the issue of how it would go about appointing the committee. Selectman Eliopoulos suggested that each member of the Board come to the meeting that evening with eight names. The Board would go about nominating, voting and narrowing down until the group of five was appointed.

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Selectman Eliopoulos turned the discussion to succession planning. This issue was brought forward at a prior goal setting meeting but needed to be revisited, particularly in light of recent events. He said that the Town is lucky to have such a well-qualified choice in Finance Director Kerry Speidel to take on the role of Acting Town Manager; however it would make sense to revisit the notion of formalizing the process. Mr. Lynch stated that it had always been his position that Chelmsford was too small a community to have an Assistant Town Manager with the sole role of assisting in operations. He felt that there should be someone within the organization that was essentially first among equals. Many communities were moving to a financial model where the Finance Director also assumed the role of Assistant Town Manager and recommended that Chelmsford do the same. The Board agreed to give the plan consideration.

Questions:

John Ciampa of the Chelmsford Independent inquired as to whether Selectman Newcomb would be sitting in on the Screening Committee meetings. Selectman Chase said that he had decided to take himself out of the process to provide a spot for a citizen. His role as a selectman would only come into play in the final appointment of the Town Manager.

Alex Buck, 6 Bellevue St. asked whether diversity would be a priority in selecting the screening committee members. Selectman Chase assured Mr. Buck that the Board would honor the charter's requirement that the committee represent a reasonable cross section of the community. Mr. Buck went on to ask whether the screening would be de-politicized as much as possible. The Board agreed that this was a high priority.

The BOS meeting was recessed at 1:40 PM.

Respectfully submitted,

Donna McIntosh

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Friday, July 28, 2006
50 Billerica Road, Town Offices

RECEIVED
06 JUL 28 AM 10:19
TOWN OF CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

Attending:
Michael F. McCall, Chairman (via speaker phone) Bernard Lynch, Town Manager
Samuel Chase, Selectman Vice Chair
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
William F. Dalton, Selectman Clerk

7:35 a.m.
MSBA application
Pat Maloney, School Building Committee submitted three prepared motions to be approved by the Board of Selectmen.

In three separate motions S. Chase moved to authorize the Superintendent and/or any other appropriate parties to submit to the Massachusetts School Building Authority the Statement of Interest Form dated July 31, 2006 for McCarthy Middle School located at 250 North Road, North Chelmsford 01824; Parker Middle School, 75 Graniteville Rd. and; Chelmsford High School, 200 Richardson Rd which describes and explains the following deficiencies and the priority categories for which an application my be submitted to the Massachusetts School Authority in the future as defined and explained in the Priorities numbered 1, 2, 3, 4, 5, and 7; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance of approval of an application, the awarding a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Chelmsford School District to filing an application for funding with the Massachusetts School Building Authority.

W. Dalton seconded, motions approved unanimously.

South Row School Floor Bid
B. Lynch awarded a contract for the installation of flooring at the South Row School to West Floor Covering, Inc. for the amount of $80,500. The award was based on a memorandum from Gary Persichetti, Facilities Director recommending the contract on the basis of it being the low bid and finding all references in order.

T. Newcomb made a motion to approve the Town Manager's bid award to West Floor Covering, Inc. for the installation of VCT flooring in the South Row School for the amount of $80,500. B. Dalton seconded, motion approved unanimously.

Motion: Selectman Chase made a motion to adjourn at **8:00 a.m.** Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Donna McIntosh

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday July 31, 2006
Location: 194 Chelmsford Street

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2006 JUL 29 PM 12:
CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

Purpose: Site work for Westlands Commons Local Initiative Program (LIP)

Members Present: Sam Chase, Tom Newcomb, Bill Dalton. Michael McCall, Chairman and Philip Eliopoulos arrived at 6:15 PM.

6:05 Mr. Chase called the site walk meeting to order. The Board of Selectmen (BOS) is meeting on site at 194 Chelmsford Street to view the site of the proposed Westlands Commons project, a mixed affordable and market rate condominium project proposed under G. L. c. 40B. The applicant, Westlands Commons LLC, requests the Board's endorsement under the Local Initiative Program (LIP) regulations. The applicant was represented by Nick Gavriel, Atty. Douglas Hausler, project engineer Joseph Peznola, and Stephen Dabilis. In addition to the members of the BOS, the Town was represented by Interim Town Manager Kerry Speidel and Community Development Director Andrew Sheehan. Numerous abutters and residents were also present at the invitation of the Board.

Atty. Hausler thanked the BOS, staff, and residents for coming to the meeting. He explained that this is the first step in a long process. The applicant is looking for input on the conceptual plan: whether the use is proper and whether the project is suitable for BOS endorsement. The design details such as parking spaces and landscaping will be dealt with by the Zoning Board of Appeals (ZBA) during their hearings. It is the applicant's intention to have additional meetings with abutters to respond to issues raised at tonight's meeting and issues raised at future meetings. He noted that the project application book previously presented the BOS has been revised and distributed to the BOS and staff. One copy has been provided to an abutter and additional copies can be provided. Atty. Hausler then gave a summary of the project, explaining that the proposal is for 35 one-bedroom condominium units of between 600 and 700 square feet each. Eleven units will be set aside as affordable with an initial sales price of $112,000. The market rate units are expected to sell for approximately $205,000.

Mr. Peznola explained that the booklet that has been distributed to the BOS is in the format required by the State Department of Housing & Community Development (DHCD). The booklet contains the required information demonstrating that the project and the applicant meet the jurisdictional requirements of the program, and includes items such as the property deed, project budget, preliminary site and architectural plans, and storm water management information. He said the existing building will be demolished and a new building constructed. The proposed building will be within the footprint of the existing building and augmented by three additions measuring 66X66', 23X59', and 23X54'. In addition, there will be dormers on the second floor. The overall height of the building will be the same as the existing building. The outside edges of pavement will be maintained and there will be additional landscaping and parking. They hope to utilize the existing utility connections and storm water management system, with upgrades where appropriate.

Atty. Hausler asked for project specific questions. The following questions were asked:

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Q: How will the project accommodate traffic on Chelmsford Street, which is already bad and is likely to get worse from the project?

A: Atty. Hausler said a traffic study will be commissioned that will evaluate the existing traffic conditions and recommend mitigation specific to the project.

Q: Why are so many units proposed?

A: Atty. Hausler responded that the additions on the sides and rear accommodate additional units and pointed out that the project is creating affordable units. In response to a follow-up question, he said the dormers will be approximately 39' to the property line.

Q: How long will units remain affordable?

A: Atty. Hausler said affordable units would remain affordable for as long as the density exceeds that allowed under zoning. Mr. Sheehan said that the Town requires that units remain affordable in perpetuity or for as long as they exist.

Q: Will internal traffic circulation be one way or two way?

A: Atty. Hausler said the current proposal is for two way circulation, but that they would defer to the recommendations of the traffic engineer. He added that they have no objection to one way circulation if recommended by the traffic engineer.

Q: Is there sufficient sewer capacity in Chelmsford Street?

A: Mr. Peznola suspects that the sewer pipes in Chelmsford Street and on the property are sufficient to serve the project, but that this will be conformed.

Q: Who arrived at the market unit sale price of $205,000 for a one-bedroom unit?

A: Atty. Hausler said the price was determined through a market study.

Q: How will trash be handled?

A: There will be a dumpster in the existing location.

Q: Could the project be restricted to residents aged 55 and older?

A: Mr. Peznola explained that DHCD adheres to the Housing & Urban Development (HUD) requirement that age restricted housing can only be located on parcels in excess of 5 acres. Atty. Hausler added that they expect the project will serve empty nesters, young single professionals, and divorced individuals who wish to remain close to their children.

Q: Is there sufficient parking?

A: Mr. Peznola said the zoning requires 47 spaces for 35 one-bedroom units and they are providing 54.

Q: If market units do not sell can they be rented?

A: Atty. Hausler said the condominium documents can be drafted to prohibit renting.

Q: One-bedroom units are inappropriate in a single family neighborhood and are not family oriented.

A: The applicant believes one-bedroom units will serve an underrepresented market and feels the project will fill a housing need.

The BOS and others present then went outside and walked the property. Mr. Peznola showed the approximate edges of the building with the additions and the approximate proposed edges of pavement. After walking the site the BOS suggested that the exact limits of the building and pavement be marked on the ground for clarity. A follow-up site walk with the BOS may be scheduled. Mr. Peznola said the development team would like to meet with the abutters prior to meeting again with the BOS.

The BOS will discuss the project again at its meeting of 8/21/06.

The BOS meeting was recessed at 7:15 PM.

Respectfully submitted,

Andrew Sheehan

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA
August 28, 2006

Town Offices

6:00 p.m. Executive Session

7:00 p.m. Call to Order

Public Service Announcements

Open Session

BOS Meeting Minutes

- Regular Meeting May 8, 2006
- Regular Meeting June 19, 2006
- Regular Meeting July 10, 2006
- Work Session, Regular Meeting and Executive Session: July 24, 2006
- Regular Meeting July 31, 2006

Town Manager

- Reports
- Town Manager Appointments
  - *Information Technology Advisory Committee*
- Town Manager Bids and Contract Awards
  - *Visual Display Boards*

Scheduled Business

7:30 p.m. **Public Hearing: Beer and Wine Restaurant License – Urban Café, 12 Chelmsford St.**

7:35 p.m. **Continuation of Public Hearing: Beer and Wine Restaurant License – Infusions Bistro, 14 Fletcher St.**

7:45 p.m. **Continuation of Public Hearing: Common Victualer/Beer and Wine Restaurant License – Fish Shops, Inc.**

8:00 p.m. **Continuation LIP – Westland Commons, 194 Chelmsford St.**

8:15 p.m. **Consideration of Charter Review Committee's proposed changes.**

Unscheduled Business

- *BOS Vote: Golden Cove Rd. – Left hand turn prohibition*
- *BOS Vote: Fee Increase – Alarm Permit Fee, Kennel Fees*
  BOS Vote: Redemption - 5 McHugh Farm Lane
- *BOS Vote: Release of Drainage Easement – Meadowcrest*

Selectmen Referrals

Press Questions

Executive Session

Next Regular Meeting: September 13, 2006

***** This meeting is televised. *****

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, August 28, 2006
50 Billerica Road, Town Offices

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Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
William F. Dalton, Selectman Clerk
Kerry A. Speidel, Acting Town Manager

7:07pm
Chairman McCall called the meeting to order.

Open Session:

1. Norma Shultz, resident-97 Steadman Street asked the Board if they had received a petition concerning sidewalk conditions. Selectman Eliopoulos stated that the DPW Director is responsible for fixing the problem and the Board needed to discuss the issue with Mr. Pearson. Selectman Eliopoulos stated someone would contact Ms. Shultz.
2. Selectman Eliopoulos stated that there was a party for Bernie Lynch on September 7th and tickets are available at Town Hall.

Approval of Minutes:

Motion: Selectman Chase made a motion to approve the May 8, 2006 regular meeting minutes. Selectman Dalton seconded the motion. Amended: Page 2, second motion to read "to nominate Richard Johnson". Motion carried

Motion: Selectman Chase made a motion to approve the June 19, 2006 regular meeting minutes. Selectman Dalton seconded the motion. Amended: BOS approved the June 19th meeting minutes; Amended: Page 1 Ban Sale #2 amount should read 2.5 million. Motion carried.

Motion: Selectman Chase made a motion to approve the July 10, 2006 regular meeting minutes. Selectman Dalton seconded the motion. Motion carried with one abstention from Selectman Chase.

Motion: Selectman Chase made a motion to approve the July 24, 2006 work session meeting minutes. Selectman Dalton seconded the motion. Motion carried with two abstentions from Selectman McCall and Selectman Newcomb.

Motion: Selectman Chase made a motion to approve the July 24, 2006 regular meeting minutes. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the July 24, 2006 Executive Session meeting minutes. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the July 31, 2006 site walk minutes. Selectman Dalton seconded the motion. Motion carried.

Public Hearing-Beer Wine and Wine Package Store License- Urban Café:
Mr. Keele, representing the owner Janet Urban, asked the Board to consider a pouring license. Chairman McCall asked if there was anyone to speak for or against the license. Selectman Dalton asked why the Board should wait two weeks to grant approval, since the parties have already presented to the Board. Selectman Eliopoulos stated that he had no problem voting on the issue.

Motion: Selectman Chase made a motion to close the public hearing. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve a beer and wine restaurant license to the Urban Café located at 12 Chelmsford Street with Janet Urban as Manager; hours of operation 11am-9:30pm, closed Sundays. Selectman Dalton seconded the motion. Motion carried.

Public Hearing-Beer Wine Restaurant License-Infusion Bistro:

Motion: Selectman Chase made a motion to close the public hearing. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve a beer and wine license to Infusion Bistro Inc., Philip Proulx, Manager; hours of operation Mon-Sat 11am-10pm and Sunday 8am-4pm. Selectman Dalton seconded the motion. Motion carried.

Town Manager Appointments:
Ms. Speidel reported that the IT Advisory Committee had met and a new committee member needed to be appointed due to one member resigning. Ms. Speidel recommended that Roger Pringle be appointed to the IT Advisory Committee.

Motion: Selectman Chase made a motion to approve Roger Pringle to the IT Advisory Committee. Selectman Dalton seconded the motion. Motion carried.

Town Manager Awards:
Ms. Speidel requested that the Board approve money to replace all "White Boards" in four elementary schools.

Motion: Selectman Chase made a motion to approve the award for visual display boards to Shifter Equivalent Sales for $49,945.00, for four elementary schools in town.

Town Manager Reports:

1. Ms. Speidel reported that the Town does at minimum an evaluation every year on residential properties to keep up with the changes in the market. Selectman Eliopoulos suggested having a list of people that have not complied with evaluations.

2. Ms. Speidel reported that the Town has received calls on idling trains and noted that noise and pollution has decreased when trains install special units. Ms. Speidel noted that it would take up to five years to equip all trains with noise and emissions units.
3. Ms. Speidel reported that there would be a work session for the Board on September 13th to discuss the joint session on September 25th.

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Public Hearing-Common Victualer License and Beer and Wine Restaurant License-Fish Shops, Inc:

Mr. McHugh stated that TIPS certification was required by the Manager Mr. Ali Reza Zosherafatain

Motion: Selectman Chase made a motion to close the public hearing. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve a beer and wine license to Fish Shops Inc., operating under Fishbones in Central Square with Manger Ali Reza Zosherafatain; hours of operation restaurant-weekdays 11:30am-10pm and Sundays 11:30am- 9:30pm and the Fish shop hours- weekdays 9:30am-10pm and Sundays 9:30am-9:30pm. Selectman Dalton seconded the motion. Motion carried.

LIP- Westland Commons -194 Chelmsford St.:

Mr. Haulser, representing the applicant, stated that since the Board site-walk new issues have appeared and requested to come before the Board at a later date. Selectman Newcomb asked that Ms. Speidel be notified of the meeting with the abutters in case the Board would like to attend. Selectman Chase suggested having this item on the agenda at the September 18, 2006, Board meeting.

BOS Vote: Golden Cove Rd.-Left hand turn prohibition:

Motion: Selectman Chase made a motion to approve the removal of no left turn signs (for certain times of the day) for New Fletcher Street, New Spaulding Street and Dan Drive. Selectman Dalton seconded the motion. Motion carried.

BOS Vote: Fee Increase-Alarm Permit Fee and Kennel Fee:

Motion: Selectman Chase made a motion to approve the increase in Kennel Fees from $10 to $15 per day; Pet Adoption Fees from $10 to $25 per adoption; Rabies Fee of $15 and Microchip for $25. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the increased alarm fee for residential properties for $15 and commercial properties for $30. Selectman Dalton seconded the motion. Motion carried.

BOS Vote: Redemption- 5 McHugh Farm Lane:

Ms. Speidel noted that a check had been received but it has not cleared. Chairman McCall asked Ms. Speidel to notify the Board when the check cleared.

Motion: Selectman chase made a motion to approve the redemption of 5 McHugh Farm Lane; subject to the check from Royal Bank clearing. Selectman Dalton seconded the motion. Motion carried.

BOS Vote: Release of Drainage Easement- Meadowcrest:

Ms. Speidel noted that this easement was approved a Town Meeting.

Motion: Selectman Chase made a motion to approve the release of the drainage easement for 4 Meadowcrest Lane and 2 Meadowcrest Drive; approved at Town Meeting on April 28th 2005. Selectman Dalton seconded the motion. Motion carried.

Consideration of Charter Review Committee's proposed changes:

Chairman McCall noted that concerns came up regarding the Town Manager provisions in the charter at the Town Manager Screening Committee. Chairman McCall outlined what options to change the Charter could be taken by the Town. Selectman Newcomb commented that establishing a Charter commission should be considered because in other towns charter changes by Town Meeting have been challenged. Chairman McCall ran through all of the recommendations from the Charter Review Committee to gather consensus from the Board.

Motion: Selectman Chase made a motion to approve the Charter changes recommended by the Charter Review Committee section 1 to Section 3.8. Selectman Dalton seconded the motion. Motion carried.

Section 4.1 Town Manager

Chairman McCall explained the proposed Charter change regarding the term of the Town Manager from an indefinite term to a definite term, and whether to keep the 4/5 majority to remove. Selectman Dalton stated that the Board should let Town Meeting decide. There was discussion concerning whether to keep a super majority to reappoint the Town Manager or to send to Town Meeting as 3/5 vote to reappoint

Motion: Selectman Chase made a motion to approve the Charter change recommended by the Charter Review Committee listing the Town Manager's position as a definite term not to exceed five years, with a 3/5 majority to reappoint. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the charter change recommended by the Charter Review Committee section 4.1 regarding term of office to section 8.5 and general changes. Selectman Dalton seconded the motion. Motion carried.

Selectman Referrals:

Selectman Eliopoulos made the following referrals:

1. Selectman Eliopoulos gave an update on the Town Manager Screening Committee. Selectman Eliopoulos, as Chairman of the Committee, noted that

there was a public input session and that interviews would begin soon. Selectman Eliopoulos reported that thirty five resumes were received and the committee hopes to narrow the field down to ten semi-finalists. Selectman Eliopoulos outlined a possible timetable for the committee.

2. Selectman Eliopoulos stated that he had spoken to Senator Fargo about the sound barriers in Lexington and asked Town Counsel to look into the issue. Chairman McCall suggested examining a possible lawsuit.

Selectman Chase made the following referrals:

1. Selectman Chase followed up on the Lexington sound barrier issue and asked for a motion to have Town counsel look into the feasibility of litigation.

Motion: Selectman Chase made a motion to have Town Counsel look into the feasibility of litigation concerning sound barrier for Chelmsford. Selectman Dalton seconded the motion. Motion carried.

Chairman McCall suggested that state representatives be invited to an upcoming Selectmen's meeting.

Selectman Dalton made the following referrals:

1. Selectman Dalton asked about the complaints he has been receiving about the Chelmsford Country Club Golf Course and asked Mr. Pearson to look into the issue.
2. Selectman Dalton asked about a possible stop sign on Quigley Avenue intersection. Selectman Newcomb reminded the Board that the intersection did not meet state requirements for a four-way stop sign. Ms. Speidel stated that she would look into the issue.

Selectman Newcomb made the following referrals:

1. Selectman Newcomb stated that the School Building Committee had a walk-through with the board and the School Committee. Selectman Newcomb commented on a roof leak at the high school and the need to replace part of the roof.
2. Selectman Newcomb suggested a list of five top priorities to be drawn up and sent to the state representatives, and that the representatives should start being held accountable. Selectman McCall added that the standard letter could be sent to the state representatives addressing the priorities.

Chairman McCall made the following referrals:

1. Chairman McCall referenced his concern that early morning drivers are not obeying the rules of the road. Chairman McCall noted that he had spoken to the Police Chief and would forward his concerns to Ms. Speidel.

Press Questions:

Hiroko Sato of the Lowell Sun asked what the purpose of the executive session was prior to the Board meeting. Selectman Eliopoulos stated that the executive session was to discuss litigation and collective bargaining.

Motion: Selectman Chase made a motion to adjourn at **9:26pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA
Work Session
September 13, 2006

Chelmsford Country Club
66 Park Rd.

5:30 p.m. **Site Walk and Discussion – Chelmsford Country Club**

7:00 p.m. **Work Session**

- Board of Selectmen Policies
- Town Finances

Press Questions

Executive Session

Next Regular Meeting: September 18, 2006

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES—WORK SESSION
Wednesday, September 13, 2006
Chelmsford Country Club, Park Rd

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
William F. Dalton, Selectman Clerk
Kerry Speidel, Acting Town Manager

6:23pm
Selectman Chase called the meeting to order, and asked those in attendance to voice their concerns with the Chelmsford Country Club golf course.

Discussion-Chelmsford Country Club Conditions:

1. John Cronin, resident-13 Brook Street was concerned with the confusion of the time of the meeting and stated that most people were unaware of the situation.

2. John Tsirovasiles, resident-14 Kensington Drive stated that he has been a member for ten years and there have been some improvements but he has been disappointed with the shape of the greens.

   Selectman Eliopoulos informed the audience that he and the rest of the Board toured the greens prior to the meeting. Selectman Eliopoulos stated that he was committed to addressing the issues of the course. Selectman Dalton noted that he had brought up concerns to the Board, and noted that it would take some time to address all of the problems with the course. Chairman McCall noted that the golf course was an important revenue generating venue for the Town.

3. Paul Cistco, stated that he has played for several years on the golf course and he supports the management company. Kevin Osgood, of the Sterling Management Company, recognized the change in the course over the past year, specifically in the number of golfers. Mr. Cistco asked how the Chelmsford course compared to others that the Sterling Management Group oversees. Mr. Osgood replied that the problems with the Chelmsford course are the same as other courses in the area. Mr. Osgood added that new people were hired this past year and they are catching up on problems. Mr. Ciscto stated that the conditions of the Chelmsford course are worse than other courses in the area. Mr. Osgood stated that progress was being made.

4. Linda Lowell, resident-33 Galloway Street asked who paid for repairs of the course. Mr. Osgood noted that Sterling paid for repairs. Ms. Lowell stressed the need to get the people who are leaving the course back. Matt Berger, of Sterling Management, stated that things are more under control.

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Ms. Speidel outlined the bid process for the golf course. Mr. Osgood stated that every year the Sterling group provided the town with financial documentation.

5. Fred Murphy wanted the Board to know that he has played on the course for a long time and asked how long the lease was for with the Town; Mr. Osgood stated that the Town can do as it pleases because there are provisions to get out of the contract.

6. Donald Parsons, of Westford, thanked the Board for hearing their concerns but was unhappy that the issue had to come to the point it had come to. Mr. Parsons stated that there has been no communication to members about what was going on. Mr. Parsons asked that in the future there be better communication.

Selectman Eliopoulos suggested scheduling another meeting at the Country Club in May to see if any improvements have been made and members concerns have been addressed. Chairman McCall thanked the audience for their comments and asked if there were additional concerns to contact the Board or Ms. Speidel.

Work Session:

Ms. Speidel distributed a Trend Report and noted that there had been good feedback on the document. Ms. Speidel reported that the Town was looking at a $2.9 million shortfall. Ms. Speidel referred the Board to a prepared document giving a five year financial forecast: FY08-FY12. Ms. Speidel reported that there was no way around the shortfall, and the Town can not keep providing the same level of services year after year.

Ms. Speidel noted a decrease in new growth and a high vacancy rate creating the shortfall. Ms. Speidel reported a decrease in school enrollment but an increase in state aid ($50 per student) for the Town. There was a discussion of charter schools and the possible drain on the public schools.

Ms. Speidel reported the need for the School Department to complete an audit so the Town can receive reimbursement monies from the state. Ms. Speidel informed the Board that the audit is for a roof project on the McCarthy School building. The audit is almost done and the money the Town receives was projected to go into the stabilization fund. Selectman Eliopoulos suggested introducing the audit issue at the joint meeting; scheduled for September 25th. Selectman Newcomb suggested giving the School Department a heads up prior to the meeting.

Ms. Speidel reported that money was being taken out of the stabilization fund with the assumption it would be put back in; in FY07. Ms. Speidel stated that the money that needed to go back into the stabilization fund was to come from land sale and free cash, both of which did not happen. Ms. Speidel noted that there is also snow and ice to consider. Ms. Speidel mentioned the Medicaid reimbursement that in the past has been

funded through free cash but now it is not there. Ms. Speidel stated that the Town is not legally required to give this money back to the school department.

Ms. Speidel concluded by stating that the bond rating outlook was not good and the Towns rating most likely will go down. Ms. Speidel reported that if the bond rating goes down the Town would be paying a lot more money in interest.

Ms. Speidel noted the concerns with the school revolving funds. Selectman Chase suggested looking here to close the gap. Selectman Newcomb stated that there were three issues that needed to be addressed at the joint meeting: the audit, a single chart of accounts and the revolving funds.

Ms. Speidel reported that the building permits had dropped and continued to outline expenditure assumptions. Ms. Speidel stated that she was unsure where to cut with the shortfalls.

Ms. Speidel noted her frustration with the School Department not transferring to a single chart of accounts. Ms. Speidel stated that the Town was almost there but that there was a hold up from the School Department. The Town staff had been reallocated to match up with a single chart of accounts.

> **Motion:** Selectman Eliopoulos made a motion to go to a single chart of accounts for the Town by December 31, 2006 or the Town will stop paying school bills. Selectman Newcomb seconded the motion. Motion carried.

Ms. Speidel estimated the impact of an override and presented the board with proposed cost to residents. Ms. Speidel noted that it was early to be discussing an override but wanted to give the Board future options.

> **Motion:** Selectman Chase made a motion to adjourn at **8:20pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA

September 18, 2006

Town Offices

7:00 p.m. **Call to Order**

Public Service Announcements

Open Session

- November Ballot Initiative – Question 1 *Tab 1*

Town Manager

- Reports
  - *Quigley Avenue – Four Way Stop*
- Town Manager Appointments
- Town Manager Bids and Contract Awards *Tab 2*
  - *Road Salt Cooperative Bid Award*

Scheduled Business

7:30 p.m. **Class II Auto Dealer License – KMH Motors, 9 Butterfield St.** *Tab 3*

7:35 p.m. **One Day All Alcoholic Beverage License – St. Vartanantz** *Tab 4*

7:40 p.m. **Pole Petition: National Grid – 10-12 Jean Ave.** *Tab 5*

7:45 p.m. **LIP Approval – Route 110, LLC 40 B Project** *Tab 6*

8:00 p.m. **Continuation LIP – Westland Commons, 194 Chelmsford St.** *Tab 7*

Unscheduled Business

- *BOS Vote:* *Zaher Family Memorial Road-Side Sign* *Tab 8*
- *BOS Vote:* *Stop Sign Request – Intersection of Maple and Acton* *Tab 9*
- *BOS Vote:* *Robin Hill Meadow, Princeton Ridge* *Tab 10*
- *BOS Vote:* *Fall Town Meeting Warrant* *Tab 11*

Selectmen Referrals

Press Questions

Executive Session

Next Regular Meeting: October 2, 2006

***** This meeting is televised. *****

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NOV 29 PM 2:30
TOWN OF CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, September 18, 2006
50 Billerica Hall, Town Offices

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
William F. Dalton, Selectman Clerk

Kerry Speidel, Acting Town Manager

7:05pm
Chairman McCall called the meeting to order.

Open Session:

1. Bernie Ready representing the Chelmsford Historical Society wanted to welcome the Board to the Farm Festival on September 30th from 12pm-4pm. Mr. Ready noted that admission was free and hoped everyone would attend.
2. Denise Fiore, resident-17 Amble Road addressed the Board with concern of a possible cell tower, on a water tower, in her neighborhood. Ms. Fiore referred to the zoning laws in Town and asked how a tower could be placed at the tower without the proper clearance. Ms. Fiore warned the Board about possible suits that could occur that could cause difficulties for the Town.
3. Paul Fiore, resident-17 Amble Road was amazed at the proposed cell tower, and that it would be placed in a high density area. Mr. Fiore urged the Board to reject the project.
4. Mickey Sanders, resident-63Amble Rd. was distressed by the possible cell tower in the neighborhood and wanted the Board to reject the tower.
5. Lisa Delphino, resident - stated that there would be constant vibrations from the cell tower. Ms. Delphino noted that she and her neighbors lived through the Route 3 construction and the knowledge of living under a water tower but if the cell tower goes in she would leave Town.
6. Thomas Dater, resident-39 Amble Rd. stated that he was not anti-business and understood why the water district would want the revenue but urged the Board to think about long term consequences of the tower. Mr. Dater was concerned that things could get out of control and there would be towers everywhere.
7. Michael Torbett, resident-9 Rack Drive echoed the statements of the other residents and wanted to know what would happen to property values. Mr. Torbett was concerned with the perception for possible buyers.
8. Chief Murphy addressed the Board with concerns of Question 1 on the Ballot. If the question passes convenience stores and supermarkets would be able to sell wine. Chief Murphy had concerns about the ability to enforce and monitor all the new licenses. Chief Murphy asked for the Boards support to defeat Question 1.
9. John Harrington, representing the Package Store Associations displayed a chart to the Board showing where all of the possible licenses in town would be. Mr.

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TOWN CLERK

Harrington reported that if Question 1 passes thirty two licenses would be sought totaling 51 locations in Chelmsford to purchase alcohol.

10. Frank Anzalotti, Executive Director of the MA Package Store Association, asked the Board for support to defeat Question 1 on the ballot. Mr. Anzalotti gave a brief demonstration to the Board of what an underage drinker could do if the law passed. Mr. Anzalotti also pointed to studies done when increasing the access of alcohol.

Motion: Selectman Dalton made a motion for the Board of Selectmen to vote no on Question 1 on the November ballot. Selectman Chase seconded the motion. Motion carried.

Selectman Chase noted that it was not in the best interest of the community if Question 1 passes. Selectman Eliopoulos stated that the Board had never issued a mix-use alcohol license and suggested having a written policy to reflect this position, whether or not Question 1 passes.

Chairman McCall stated that he has heard the concerns over the cell tower and stated that the water districts are separate from the Town. Chairman McCall stated that if residents have further concerns they can contact the Board.

Class II Auto Dealer License-KMH Motors, 9 Butterfield St.:

Keith Harley requested a license from the Board. Selectman Dalton asked what was there now. Mr. Harley stated he was seeking to rent out two of the three garages for repairs. Ms. Speidel noted that the Building Inspector has signed off on the license for six cars.

Motion: Selectman Chase made a motion to approve the Class II Auto Dealer License to KMH Motors on 9 Butterfield Street, contingent on a written review submitted to the BOS from the Building Inspector allowing only 6 vehicles. Selectman Dalton seconded the motion. Motion carried.

One Day All Alcoholic Beverage License- St. Vartanantz:

Paul Catlong requested an all alcoholic license.

Motion: Selectman Chase made a motion to approve a one day all alcoholic beverage license to St. Vartanantz on September 23, 2006, from 6pm to 12am. Selectman Dalton seconded the motion. Motion carried.

Pole Petition-National Grid-10-12 Jean Ave:

Dave Agor, representing the National Grid asked for a new pole on Jean Ave; noting he was requesting adding a pole not replacing one. Chairman McCall asked if the abutters were notified. Mr. Agor stated that the abutters were notified.

Motion: Selectman Chase made a motion to close the public hearing. Selectmen Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the petition from National Grid to erect one pole; Plan number 799155 received on October 30, 2006, on 10-12 Jean Avenue. Selectman Dalton seconded them motion. Motion carried.

Quigley Avenue-Four Way Stop:

Ms. Speidel reported that she had spoken with the Town Engineer and the Police Chief and the intersection did not meet standards for the placement of a stop sign. Selectman Dalton was concerned that if nothing was done an accident would occur. Chief Murphy stated that a speed study was done and there is no speeding problem. Chief Murphy warned that if too many stop signs were put up they would be ignored by drivers. Chief Murphy stated that, if placed in the right location, a stop line would be useful. Chairman McCall instructed that the Town Engineer place a stop line at the intersection.

Stop Sign Request-Intersection of Maple and Acton:

Chief Murphy checked the area and noted that there was no stop sign at the intersection. Chief Murphy stated that the intersection at Maple and Acton met the requirements for a stop sign.

Motion: Selectman Chase made a motion to approve a stop sign at Maple Rd. and Acton Rd. Selectman Dalton seconded the motion. Motion carried.

LIP Approval-Route 110, LLC 40B Project:

Paul Alphen, representing the applicant discussed the boundary lines with the abutters. The next step is to discuss encroachment issues. Mr. Alphen stated that he could not have the final plan until the Board of Appeals process is over. Mr. Alphen stated that the proposed changes to the elderly housing were approved by the Chelmsford Affordable Housing Authority. Mr. Alphen presented a conceptual plan for the project. Mr. Alphen referred to the letter he received from Andy Sheehan and the concerns with the site plan.

Mr. Sheehan stated concerns with the plan and how it does not seem to fit with the site. Mr. Sheehan noted the driveway width as an issue, as well as an open space issue for the site. Mr. Sheehan stated that the project needed more work and would not recommend the plan to the Board. Mr. Alphen disagreed with the changes proposed by Mr. Sheehan, but added that the plan could change at the Board of Appeals level. Mr. Sheehan noted that his concerns were valid, and that is why he wrote the letter.

Chairman McCall stated that his concern was density, which is also causing safety concerns. Mr. Sheehan stated that he could work with the developer in the next few weeks and then come before the Board.

Motion: Selectman Chase made a motion to continue the public hearing at the October 2nd Board meeting. Selectman Dalton seconded the motion. Motion carried.

Continuation LIP-Westland Commons, 194 Chelmsford St.:

Douglas Hausler, representing the developer, stated that an agreement was made with an abutter changing the scope of the plan for the property; from 35 to 43 units. Mr. Hausler

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was not looking for a vote from the Board but to make them aware of the changes. Mr. Hausler noted that there were encroachment issues to be worked out. The change of the site was presented with units being cut in the back and added to the side; where property was acquired. Mr. Hausler stated that he was addressing the concerns of the abutters. Selectman Newcomb was concerned with the new size of the footprint for the site.

Abutters

1. Chris Sansone asked about encroachment issues. Mr. Hausler noted that the abutter has to enter a boundary agreement eliminating the need for litigation.
2. Debra Deary, resident-19 Steadman St. showed the selectmen where her property was in relation to the site plan proposed. Ms. Deary was concerned with the increased traffic that could come from the development. Ms. Deary noted that the development would not add to the neighborhood. Chairman McCall stated that in regards to the traffic issues he would notify Chief Murphy.
3. Diane Early, resident-184 Chelmsford St. was concerned with the drainage of the development onto her property. Ms. Early was concerned with the increased noise the development would bring as well as property values dropping. Chairman McCall understood the abutters concerns and stated that the best the Town can do was to mitigate the process. Chairman McCall suggested continuing the hearing until October 2nd.

Motion: Selectman Chase made a motion to continue the public hearing for the October 2nd Board meeting. Selectman Dalton seconded the motion. Motion carried.

Town Manager Reports:

Ms. Speidel stated that she and Mr. Sheehan attended a meeting with Mass Highway and some state representatives to discuss the sounds barriers issue in Chelmsford. Ms. Speidel sent a copy of the letter to the Board, which stated that the state found fault with the initial analysis for the Chelmsford barriers. Selectman Eliopoulos suggested having legal counsel look into the sound barrier issue.

Town Manager Bids and Contract Awards:

Motion: Selectman Chase made a motion to approve the salt bid to Eastern Salt Co in North Chelmsford; Mined Salt $42.15 per ton and Solar Salt $42.15 per ton: And to Eastern Minerals, Inc. in Lowell; Mined Salt 42.29 per ton and Solar Salt $42.29 per ton. Selectman Dalton seconded the motion. Motion carried.

Zaher Family Memorial Road –Side Sign:

Chairman McCall stated that he supported the sign for the Zaher family. Selectman Dalton stated that the family in the past requested a plaque at McCarthy Middle School, and suggested putting a plaque there now. Ms. Speidel stated that she was working with the family to get specifics.

Motion: Selectman Chase made a motion to approve the honoring of the Zaher Family with a plaque or sign; contingent upon a location to be set by the DPW Director. Selectman Dalton seconded the motion. Motion carried.

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Robin Hill Meadows Princeton Ridge Regulatory Agreements:
Ms. Speidel reported that the two regulatory agreements needed to be approved by the Board.

> **Motion:** Selectman Chase made a motion to approve to execute the regulatory agreement to lobby, monitor and service Robin Hill Meadows. Selectman Dalton seconded the motion. Motion carried.

> **Motion:** Selectman Chase made a motion to approve to execute the regulatory agreement to lobby, monitor and service Princeton Ridge, 67 Princeton Street. Selectman Dalton seconded the motion. Motion carried.

Fall Town Meeting Warrant:
Ms. Speidel requested that the Board post the Warrant. Ms. Speidel outlined the warrant to the Board. Under Article 3, Ms. Speidel commented on the recent issue of returning Medicaid monies back to the School Department. Ms. Speidel noted that this has not been an issue in the past, but due to economic shortfalls the money is not there. Chairman McCall noted that not all Towns give back this type of reimbursement.

Ms. Speidel stated that Article 6 deals with the issue of Section 18 and whether it should be discussed at this Town Meeting. Ms. Speidel stated that Article 7 was to set up a separate stabilization fund for post employment benefits. Ms. Speidel noted the charter changes and how they were split up in the warrant. Ms. Speidel informed the Board that there had been some language changes from Town Counsel. Ms. Speidel suggested the chairman of the Charter Review Committee present the articles on the warrant.

> **Motion:** Selectman Chase made a motion to post the Fall Meeting Town Meeting on October 16, 2006. Selectman Dalton seconded the motion. Motion carried.

Selectman Referrals:
Selectman Eliopoulos made the following referrals:

1. Selectman Eliopoulos updated the Board on the status of the Town Manager Screening Committee. Selectman Eliopoulos, as Chairman of the committee, stated that on Thursday the committee would decide on the final candidates. Selectman Eliopoulos stated that the committee has done a great job and it has been a good process.

Selectman Chase made the following referrals:

1. Selectman Chase reported that there was a ribbon cutting ceremony for Carvel Cinnabon.
2. Selectman Chase reminded the Board that FinCom meetings to discuss the warrant would convene on Thursday.

Selectman Dalton made no referrals.

Selectman Newcomb made the following referrals:

1. Selectman Newcomb reported that the School Building Committee was meeting and the construction was wrapping up at the Middle and High Schools.
2. Selectman Newcomb wanted to follow-up on the upcoming Joint meeting with the School Department and FinCom. Selectman Newcomb suggested having someone speak to Superintendent Moser about the Boards concerns. Ms. Speidel stated that the audit was long overdue. Chairman McCall was unsure of the location of the meeting and whether or not it could be televised.

Chairman McCall made the following referrals:

1. Chairman McCall reported on the work session the board recently had at the Chelmsford Country Club and the concerns brought up about the condition of the golf course.
2. Chairman McCall noted the recent injury on Davis Road and stated he would bring the issue up to Chief Murphy.

Press Questions:

John Ciampa, Chelmsford Independent asked when the Warrant would be released. Ms. Speidel stated that it would be available at the end of the week.

Motion: Selectman Chase made a motion to adjourn at **10:30pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

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TOWN OF CHELMSFORD
JOINT MEETING MINUTES
Monday, September 25, 2006
50 Billerica Hall, Town Offices

Board of Selectmen Attending: Michael F. McCall-Chairman, Samuel Chase, Selectman-Vice Chair, William F. Dalton-Clerk, Thomas A. Newcomb, Philip M. Eliopoulos, Kerry Speidel- Acting Town Manager

School Committee Attending: Kevin Porter- Chairman, Angelo Taranto, Evelyn Thoren, Kathy Duffett, Christine Walsh, Karen Mazza, Dr. Moser, School Superintendent, Bob Cruickshank-Business Office Manager, Bruce Forrester-MIS Director

Finance Committee Attending: John Kurland-Chairman, Mary Frantz, William D Fulton, David Turocy, and Clare Jeannotte

7:05pm
Chairman McCall called the meeting to order and explained that the meeting would not be televised. Chairman McCall asked everyone present to go around and introduce themselves.

Municipal Forecast, Kerry Speidel:
Ms. Speidel gave a brief overview of her fiscal presentation and informed the group that each department submitted their financial requests. Ms. Speidel explained each form of solvency the Town was facing which included; Cash Solvency, Budgetary Solvency, Long-Run Solvency and Service-Level Solvency. Ms. Speidel reported the obstacles to measuring financial conditions which were; the nature of a public entity, the state of municipal financial analysis, and the character of municipal accounting practices. Ms. Speidel continued to describe each obstacle and the impact on the community.

Ms. Speidel reported revenue indicators to analyze the Towns problems and presented a chart indicating a shortfall. Ms. Speidel outlined Expenditure Indicators and noted that health care and employee pensions are a cause for concern. Ms. Speidel stated that the impact of drawing on reserves is showing a level solvency, as well as long-term solvency issue.

Ms. Speidel reported on the state of the free cash and stabilization fund. Ms. Speidel noted that the current plan was to place two million back into the stabilization fund. This money was predicated on the selling of Town owned land and reimbursement from an audit that was past due. Ms. Speidel reported that Medicaid reimbursement was not going to be able to be funded. In the past it was reimbursed but now there is no free cash available to fund it. Ms. Duffet asked how the snow and ice number in the budget was determined. Ms. Speidel replied that she used past year numbers to estimate an amount.

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Ms. Speidel noted that money could be collected from the completed audit that is past due. Mr. Cruickshank asked about the audit Ms. Speidel was referring to.
Ms. Speidel stated that the bond rating was going to be impacted with the reserves being drawn down. Ms. Speidel was unsure of what the interest rate would be if the bond rating changed, but it would result in additional costs for the Town.

Ms. Speidel reported revenue assumptions, as well as the Expenditure assumptions for the Town. Ms. Speidel noted that health insurance was a big issue on the expenditure side. Dr. Moser noted the Charter School percent increase and wanted to make sure he was on the same page as Ms. Speidel.

Ms. Speidel concluded that the infrastructure on the non-school side would need to be looked at again. Ms. Walsh asked about the recycling rates and whether they had gone down since the law had been enforced. Ms. Speidel noted improvements with solid waste. Ms. Jeannotte asked for an update on the school building project. Selectman Newcomb stated that the Town submitted forms for reimbursements, and noted that the state changed its reimbursement process.

School Department Forecast, Dr. Moser:
Dr. Moser gave a brief history of the school budget from FY02-FY07. Dr. Moser stated that enrollment has remained level over the past few years, but is on the decline. Dr. Moser projected a shortfall for FY08 of $561,560 causing the need for discussions. Dr. Moser noted that there had been thirty five retirements this year.

Dr. Moser stated that all fixed costs have increased. Dr. Moser added that salaries were causing the shortfall, and negotiations are still occurring. Dr. Moser presented the costs of a 1% salary increase with a three year cost of 2.1 million. Dr. Moser noted that the Town is behind other Towns in terms of competitive salaries for teachers. Dr. Moser added that some teachers have chosen to go to other districts.

Dr. Moser stated that enrollment is becoming an issue. Dr, Moser sited a decrease in all grade levels. Dr. Moser expressed concern with the enrollment levels decreasing and the future impact on state aid. Dr. Moser also presented the group with a history of state aid from FY-2-FY07, and how Chelmsford compares to other Towns.

Three-Board Discussion:
Selectman Eliopoulos suggested looking into legal options for the Town to deal with the state aid inequality pertaining to Chapter 70. Dr. Moser stated that he would support legal action. Selectman Eliopoulos suggested approaching other Towns in the same position. Ms. Karen Mazza noted the recent decision of *Hancock vs. Massachusetts*, and the courts supported the stated formula. Ms. Franz cautioned the group about legal action. Selectman Eliopoulos stated that action was long overdue and there needed to be a coalition of towns built. Ms. Kathy Duffett stated that the Town should not give up on lobbying efforts. Selectman Eliopoulos stated that the first step was to look at the past decisions of courts regarding the formula.

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BOS Motion: Selectman Eliopoulos made a motion to examine legal action concerning Chapter 70 funding formula. Selectman Dalton seconded the motion. Motion carried by the Board of Selectmen.

School Committee Motion: Ms. Thoren made a motion that the School Committee work with the board of Selectmen to address the feasibility as legal action goes forward. Ms. Walsh seconded the motion. Motion carried by the School Committee.

Single Chart Accounts:

Dr. Moser stated that positions have changed causing a need to catch up on the changing to a single chart of accounts. Dr. Moser also sited issues concerning the change over and the need for more discussions. Mr. Cruickshank stated that there was a commitment to change but certain issues needed to be discussed. Ms. Speidel stated that on the municipal side staff has been moved around expecting a single chart of accounts to be implemented, and now there is a strain on staff. Mr. Cruickshank stated that the work was 90% complete but the last 10% would take the longest to achieve. Mr. Porter noted that Dr. Moser and Mr. Cruickshank would continue to work on changing over to a single chart of accounts.

Audit:

Selectman Newcomb stated that the money expected from the reimbursement was to go into the stabilization fund. Mr. Cruickshank stated that he submitted paperwork for the 2000 project and has done this for other projects in the past but it never produced anything back. Mr. Cruickshank noted that he needed to sit down with Ms. Speidel to discuss the issue.

Timeline and Options for Financial Support:

Chairman McCall stated that the three committees could reconvene in late November or early December. Chairman McCall suggested that at the next joint meeting the committees needed to discuss the projected shortfall and its impact. Mr. Porter noted that the school department was in the middle of negotiations, and that would impact the schools numbers. Ms. Thoren noted that the committees could not go into detail about collective bargaining without going into executive session. Chairman McCall suggested having an executive session meeting prior to Town meeting with the three committees. Dr. Moser stated that the legality of this type of meeting would need to be looked into.

Ms. Jeannotte asked hypothetically about an override, and when the decision would have to be made if one were to be enacted. Selectman Eliopoulos stated that the decision would have to be made sometime in January. Chairman McCall noted that an override is a tool of last resort and could be discussed at the next joint meeting. Mr. Porter suggested October 19th for an Executive Session. Ms. Walsh stated that at the last School Committee meeting a Department of Education representative came in to discuss state aid

issues. Chairman McCall stated that the chairs would continue to meet once a month until the next joint meeting.

Motion: Selectman Chase made a motion to adjourn at **9:55pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

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CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA
October 2, 2006

Town Offices
50 Billerica Rd.

7:00 p.m. **Call to Order**

Public Service Announcements

- Halloween – October 31, 2006

Open Session

BOS Meeting Minutes

- BOS Regular Meeting Minutes – August 28, 2006
- BOS Executive Session Minutes – August 28, 2006
- BOS Work Session – September 13, 2006

Town Manager

- Reports
- Town Manager Appointments
- Town Manager Bids and Contract Awards

Scheduled Business

7:30 p.m. **Public Hearing:** Transfer of License and Alteration of Premises – Feng Shui Asian Cuisine, 285 Chelmsford St.

7:35 p.m. **One-Day Beer and Wine License –** St. John's Church

7:40 p.m. **One-Day Beer and Wine License –** All Saint's Church

7:45 p.m. **Continuation LIP Approval –** Route 110, LLC 40 B Project

Unscheduled Business

- Town Meeting Warrant
- **BOS Vote:** Policy Regarding Alcohol Sales in Grocery/Convenience Stores
- **BOS Vote:** Approval of Special Counsel for Zoning Board of Appeals

*** **This meeting is televised.** ***

- **BOS Vote:** Approval of Woodland Square Regulatory Documents

Selectman Referrals

Executive Session

Next Regular Meeting: October 16, 2006, 6:30 p.m. at Senior Center

Town Meeting: October 16, 2006, 7:30 p.m. at Senior Center

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, October 2, 2006
50 Billerica Road, Town Offices

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman

Kerry Speidel, Acting Town Manager

7:05pm
Chairman McCall called the meeting to order.

Public Service Announcements:
Chairman McCall recognized that on October 31st from 5pm-8pm Trick or Treating would begin in Chelmsford.

Open Session:
1. Selectman Eliopoulos gave a brief update on the Town Manager search. Selectman Eliopoulos informed the Board that the final interviews would be conducted on October 5th and the four finalists were John Coderre, Paul Cohen, James Kreidler and James Malloy. Selectman Eliopoulos thanked the Town Manager Screening Committee for their time and effort and recognized them by name: Philip M. Eliopoulos-Chairman, Samuel Chase-Selectman Vice Chair, Clare Jeannotte Clerk, Michael F. McCall-Selectman, Paul Gleason, Sheila Pichette, Cheryl Boss, William F. Dalton-Selectman, Ellen DiPasquale and Jeanne Parziale-Personnel Director

Approval of Minutes:

Motion: Selectman Chase made a motion to approve the August 28, 2006, regular meeting minutes. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the August 28, 2006 executive session meeting minutes. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the September 13, 2006 work session meeting minutes. Selectman Dalton seconded the motion. Motion carried.

Town Manager Reports:
Ms. Speidel stated that she had no reports. Selectman Chase wanted to clarify that the Board had been fully advised on current issues and there was nothing new to report to the board.

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BOS Vote; Policy Regarding Alcohol Sales in Grocery/Convenience Stores:

Motion: Selectman Chase made a motion to approve the new policy relevant to the Towns issuances of liquor licenses; stating that the Town would not issue licenses to food store/convenient stores and for licenses to be limited to package stores/beer and wine stores. Selectman Dalton seconded the motion. Motion carried.

BOS Vote; Approval of Special Counsel for Zoning Board of Appeals:

Ms. Speidel noted that counsel appointed would be appointed to represent the DPW and recommended Robert Mangiaratti.

Motion: Selectman Chase made a motion to approve the appointment of Robert Mangiaratti as special counsel for the N. Chelmsford Water District appeal; regarding the 1996 special permit. Selectman Dalton seconded the motion. Motion carried.

BOS Vote; Approval of Woodland Square Regulatory Documents:

Mr. Sheehan stated that because of the change in state regulations a vote was needed by the Board in open session.

Motion: Selectman Chase made a motion to approve the regulatory agreement for Woodland Square; located at 262 Littleton Rd. Selectman Dalton seconded the motion. Motion carried.

One-Day Beer and Wine License- All Saints Church:

Paul McCloy requested a beer and wine license for October 21st form 7pm-11pm for All Saints Church. Ms. Speidel noted that there was TIPS certification on file.

Motion: Selectman Chase made a motion to approve a one day beer and wine license to All Saints Church for October 21st; from 7pm-11pm. Selectman Dalton seconded the motion. Motion carried.

One-Day Beer and Wine License- St. Johns Church:

Ms. Speidel noted that there was TIPS certification on file.

Motion: Selectman Chase made a motion to approve a one day beer and wine license to St. Johns Church for October 21st; from 4pm-9pm. Selectman Dalton seconded the motion. Motion carried.

Public Hearing- Transfer of License and Alteration of Premises Feng Shui Asian Cuisine, 285 Chelmsford St.:

Widdy Ho, representing the owner Stephen Dong, requested approval for a full alcohol license. Ms. Ho listed the owners past accomplishments in other communities. Chairman McCall referred to the floor plan of the restaurant. Ms. Ho stated that the plan submitted was a preliminary plan. Chairman McCall asked if there was anyone present to speak for or against the requested license. Selectman Dalton asked about the use of the third floor. Ms. Ho stated that she had spoken to the fire chief about what would be needed to have seating on the third floor. Mr. Ralph Boscal, an abutter, asked about plan for the bar. Ms. Ho noted that it was a family style restaurant.

Motion: Selectman Chase made a motion to continue the public hearing until November 6th regular meeting of the Board. Selectman Dalton seconded the motion. Motion carried.

Chairman McCall noted that the LIP-Westland Commons would continue at a further date.

Town Meeting Warrant:

Chairman McCall suggested reserving Articles 24-39 for the October 16th meeting prior to Town Meeting.

Motion: Selectman Chase made a motion to recommend approval of Article 1-Article 7; on the Town meeting Warrant. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to defer action of Article 8, Article 9, Article 10 and Article 11; on the Town meeting Warrant, until hearing discussion from the Community Preservation Committee. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to recommend approval of Article 12-Article 14; on the Town meeting Warrant. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to recommend approval of Article 15; on the Town meeting Warrant. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to recommend approval of Article 16-Article 17; on the Town meeting Warrant. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to defer action of Article 18, Article 19, Article 20, Article 21 and Article 11; on the Town meeting Warrant, until hearing discussion from the Planning Board. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion not to recommend approval of Article 23 on the Town meeting Warrant. Selectman Dalton seconded the motion. Motion carried.

Continuation of LIP Approval-Route 110, LLC 40B Project:

Paul Alphen, representing the developer reported that the conceptual plan presented at the last Board meeting had been revised. Mr. Alphen noted that he had met with Mr. Sheehan and addressed his past concerns. The new plan depicts 76 units increased from 72. The Representative from LandTech showed the revised plan to the Board. Two

Garden style units had been added, and the issue of driveway space has been addressed. The issues involving property lines are still being discussed. Chairman McCall noted that what was in dispute was where the property line was located. Selectman Eliopoulos asked about the affordability of the project. Mr. Alphen noted that the elderly units are still in the back of the site. Selectman Dalton was concerned with the distance of the structure to the abutters.

Abutters:

1. Robert Wyman, counsel for abutters on Chamberlain Rd., noted a property line dispute. Other issues were the height of the buildings and the density of the development. Mr. Wyman suggested having the Garden Style buildings moved to the side the abutters are on.

Mr. Sheehan reported that the plan has improved but he still had concerns. Mr. Sheehan stated that he would not recommend the project. Mr. Sheehan stated that height of the buildings was a concern, as well as what was under the soil (where the ledge might be located). Selectman Dalton asked if there was any site testing of the soil. Mr. Sheehan replied that no testing had been done. Mr. Sheehan suggested having the Board continue the hearing at the next regular meeting; in order for the developer to address the current concerns. Selectman Newcomb asked if Mr. Hedison of Affordable Housing had seen the new plan. Mr. Sheehan stated that he had not seen the new plan. Chairman McCall stated that it would be prudent to get more information of what the structures in the development would look like before a vote is made.

Motion: Selectman Chase made a motion to continue the public hearing for the LIP Approval-Route 110, LLC 40B Project, until November 6th regular meeting of the Board. Selectman Dalton seconded the motion. Motion carried.

Westland LIP Comments from Abutters:

Chairman McCall noted that the Westland Commons Lip was taken off of the agenda but would hear from abutters present.

1. Diane Early, resident-184 Chelmsford St. stated that no one was speaking to abutters. Selectman Eliopoulos stated that the developer requested more time and that a hearing would be on November 6th.

Motion: Selectman Chase made a motion to continue the public hearing for the LIP Approval-Westland Commons, until November 6th regular meeting of the Board. Selectman Dalton seconded the motion. Motion carried.

Selectman Referrals:

Selectman Eliopoulos made no referrals.

Selectman Chase made the following referrals:

1. Selectman Chase informed the Board that due to his involvement on the Town Manager Screening Committee he has not been able to attend School Committee meetings.
2. Selectman Chase reported that the Assessors Board was in good shape and the new members are an asset to the Town. Selectman Eliopoulos informed the Board that an Executive Session with the School Committee was legal and could commence. Ms. Speidel noted that she has been attending School Committee negotiations.

Selectman Dalton made the following referrals:

1. Selectman Dalton requested that a letter be sent to NMCOG informing them that he was the Board's liaison.
2. Selectman Dalton asked where the Town stood on the Water District. Selectman Eliopoulos stated that the DEP ruled on the site. Ms. Speidel stated that the DEP letter addressed all of the Water Districts concerns.

Selectman Newcomb made the following referrals:

1. Selectman Newcomb reported on the Joint meeting that the Board had with FinCom and the School Committee. The meeting was not televised or taped.
2. Selectman Newcomb reported that the School Building Committee was addressing the recent roof leak and the damage to the school network. Selectman Newcomb commented on the good work of the Department for their quick response to the leak.

Selectman Dalton the made a follow-up referral:

1. Selectman Dalton asked for an update on Quigley Ave., and noted that people are ignoring signage. Selectman Newcomb asked about the bridge and when work was scheduled to begin. Ms. Speidel stated that she would check up on the project.

Chairman McCall made the following referrals:

1. Chairman McCall reported that Town Counsel stated that the Board of Selectmen and the School Committee could meet in Executive Session. At the Joint Meeting the three Boards approved the efforts to look into litigation concerning the Chapter 70 funding formula.
2. Chairman McCall reported that he had spoken to the Lt. Governor's staff to discuss Town issues.
3. Chairman McCall reported that the recent Town Farm fair was well attended.
4. Chairman McCall reported that he has discussed the recent Tower on the water tower near Amble Rd, and the Water District voted not to place the cell tower.

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Press Questions:

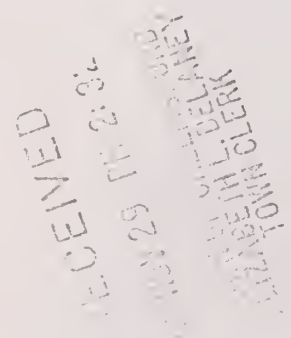
John Ciampa, of the Chelmsford Independent asked what the next agenda for the Town Manger Screening Committee was. Selectman Eliopoulos stated that the committee is

meeting to approve minutes and discuss interviews of finalist on October 5th (beginning at 5pm)

> **Motion:** Selectman Chase made a motion to adjourn at **8:52pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin



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TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Joint with Town Manager Screening Committee
Tuesday, October 3, 2006
50 Billerica Road, Town Offices

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman

Town Manager Screening Committee Attending: Clare Jeannotte Clerk, Paul Gleason, Ellen DiPasquale, Sheila Pichette, Cheryl Boss and Jeanne Parziale, Human Resource Advisor

7:05pm
Chairman McCall called the meeting to order. Chairman McCall updated that group that that Mr. Kreidler and Mr. Coderre withdrew as finalists; leaving Mr. Cohen and Mr. Malloy. Selectman Eliopoulos stated that the two finalists were good candidates. He stated that at the final interviews there would be an opening statement followed by questions from the Board of Selectmen. Selectman Eliopoulos suggested asking hypothetical questions to finalists; to evaluate how they would fit into the community.

Ms. Jeannotte suggested asking the finalists how they plan on bridging the community they are coming from and the one they are moving to. Selectman Eliopoulos added that each candidate could do the job and the question is who would be a better fit for the Town. Ms. DiPasquale suggested asking an opinion question first and then the hypothetical.

Selectman Eliopoulos requested the front row be reserved for the Town Manager Screening Committee during the finalist interviews. Chairman McCall requested that the Screening Committee send questions via e-mail to the Board. Ms. Pichette commented on the residency issue with the finalist. Selectman Eliopoulos stated that the Board could deal with that issue in the future. Ms. Jeannotte reminded the group that the residency waiver was up to future Boards.

Approval of Minutes:

Motion: Selectman Chase made a motion to approve the September 12, 2006, Executive Session meeting minutes. Ms. Jeannotte seconded the motion. Motion carried (1 abstention by Selectman Dalton)

Motion: Selectman Chase made a motion to approve the September 14, 2006, Executive Session meeting minutes. Ms. Jeannotte seconded the motion. Amended: 1. Page 7, 4th paragraph; delete word "was" 2. Page 10; add Ms.

DiPasquale and Sheila Pichette to roll call. Motion carried (1 abstention by Mr. Gleason)

Motion: Selectman Chase made a motion to approve the September 19, 2006, Executive Session meeting minutes. Ms. Jeannotte seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the September 21, 2006, Executive Session meeting minutes. Ms. Jeannotte seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the September 21, 2006, Regular Session meeting minutes. Ms. Jeannotte seconded the motion. Motion carried.

New Business:
Selectman Eliopoulos suggested setting up a TV and chairs in another room, in case of a high attendance at the finalist interviews. Selectman Eliopoulos stated that the Board could discuss the finalist after their interviews. Mr. Gleason suggested communicating to the public what impressed the committee about the finalists. Selectman Eliopoulos stated that he was pleased with the selection process and it served the community well.

Press Questions:
John Ciampa of the Chelmsford Independent asked if the finalists had budget experience. Selectman Eliopoulos stated that both finalists had extensive budgetary experience. Mr. Ciampa asked if anyone had spoken to Mr. Coderre. Selectman Eliopoulos stated that a message was left.

Motion: Selectman Chase made a motion to adjourn at **7:55pm**. Ms. Jeannotte seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

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CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA
November 6, 2006
DRAFT

Town Offices
50 Billerica Rd.

7:00 p.m. **Call to Order**

Public Service Announcements

- Veteran's Day – November 11, 2006
- Zaher Family Dedication – November 11, 2006
- Vietnam Veteran's Memorial Dedication - November 19, 2006
- George L. Hanna Award – Sgt. Paul Cooper
- Red Cross Blood Drive

Open Session

BOS Meeting Minutes

- September 25, 2006 – Joint Meeting
- October 2, 2006 Regular Meeting Minutes
-

Town Manager

- Reports
  - *Section 18 Update*
  - *Veterans' Exemption*
  - *Karate Program Update*
- Town Manager Appointments
- Town Manager Bids and Contract Awards
  - *Business Associate Contract between MIIA and the Town of Chelmsford*
  - *IT Network Design Consultant*

Scheduled Business

7:15 p.m. **Continuation - Common Victualer License:** Feng Shui Asian

***** This meeting is televised. *****

Cuisine

7:20 p.m. **Common Victualer License –** China Mountain, 39 Tyngsboro Rd.

7:25 p.m. **Common Victualer License –** Tai Shiang Garden, 7 Summer St.

7:30 p.m. **Tax Classification Hearing**

8:00 p.m. **Change in Hours –** Urban Café,

8:05 p.m. **Change in Hours –** Sterling Golf Management/CCC

8:10 p.m. **Change in Hours –** Country Club U.S.A.

8:15 p.m. **Public Hearing – Pole Petition - Verizon –** Carla Way and Westford St.

8:20 p.m. **Continuation: LIP Approval –** Westlands Commons

9:30 p.m. **Continuation LIP Approval –** Route 110, LLC 40 B Project

Unscheduled Business

- **BOS Vote – Road Side Vendors – Christmas Tree**
  - **Central Congregational Church**
  - **Gregory Spring**
-

Selectman Referrals

Executive Session

Next Regular Meeting: November 23, 2006

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DEC -5 AM 11:30
TOWN OF CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, November 6, 2006
50 Billerica Hall, Town Offices

Attending:
Michael F. McCall, Chairman
Samuel Chase, Vice Chair
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman

Kerry Speidel, Acting Town Manager

William F. Dalton, Clerk was absent

7:05pm
Chairman McCall called the meeting to order.

Public Service Announcements:

1. Regina Jackson, Veterans Agent for Chelmsford reminded the Board that Veterans Day would be observed on November 11, 2006. A ceremony at Veterans Park will begin at 11 a.m. Ms. Jackson noted the Zaher Family sign dedication would be occurring at 10 a.m. on November 11, 2006. Ms. Jackson stated that on Sunday November 19, 2006 the Chelmsford Vietnam Memorial would be dedicated at 1 p.m. in Vinal Square.
2. Chief Murphy gave a brief introduction of Sergeant Paul Cooper who received the George L. Hanna Award for Bravery in the line of duty. Chairman McCall read the certificate of appreciation from the governor's press release commending Sergeant Cooper for his actions. Mr. Cooper thanked the Board and his fellow officers.
3. Leonard Doolan, of the Chelmsford Rotary Club urged the public to attend the Chelmsford blood drive on November 16, 2006, at the Senior Center from 3pm-8pm. Mr. Doolan thanked the Board for the opportunity to speak and for the public to call with any questions.

Open Session:

1. Gary Leedberg, 7 Galloway Rd. stated that he had an issue with the Karate Program in Town. Chairman McCall asked Mr. Leedberg to wait until the issue is discussed.
2. Richard Mahoney, resident-63 Prescott Drive stated that condominium owners are now required to have a lifeguard seven days a week, per order of Board of Health (BOH). Mr. Mahoney was concerned with the BOH imposing requirements on private property. Mr. Mahoney requested that the Board take the issue under consideration and asked what he could do as a resident. Chairman McCall noted that he was not familiar with the issue but would discuss the issue with the BOH and get back to Mr. Mahoney.

3. John Harrington spoke on behalf of the Package Association and urged residents to vote no on Question 1. Selectman Eliopoulos reminded the residents that the Board had voted not to issue mixed-use licenses even if Question 1 passes.
3. Scott Glidden, resident-12 Carpet Drive spoke on behalf of the Murdoch Charter School and updated the Board on its expansion plans. Mr. Glidden was looking into Town owned land and requested a list of land the town owns. Chairman McCall noted that he would provide Mr. Glidden with the list of town-owned land.

Town Manager Reports:

Karate Program- Ms. Speidel cited an incident at the Old Town Hall on October 16, 2006. A double booking occurred with Dog Training and the Karate Program from 5:30pm-6:30pm. Ms. Speidel stated that there was confusion with the two classes because a third Karate Class had been added without the Recreation Director's knowledge. The Karate Program would be moved temporarily to another room until December 11th. Ms. Speidel noted that most parents of the Karate Program had been satisfied with the temporary solution and those who were not were offered full refunds.

Gary Leedberg stated that he and his family have been in the Karate program for four years and a refund was unacceptable. Mr. Leedberg referred to his letter and urged the Board to read them. Mr. Leedberg was disturbed with how the issue was handled by the Director on October 16th, noting that the police had been called to remove the Karate program participants from the auditorium. Mr. Leedberg noted that the room the Karate program is being moved to is too small and presents a potential safety issue for the children. Ms. Speidel stated that the Instructor of the Karate class did not indicate the new room would be a problem.

Lauren Leedberg (a minor), daughter of Mr. Leedberg, stated that she had taken the class for four years and was upset that she was escorted out of the building by the police.

Chairman McCall stated that the day-today operation of the town was under the realm of the Town Manager and that the Board was satisfied with the temporary solution being offered. Selectman Eliopoulos suggested speaking with the instructor to hear his opinion on the temporary solution because it seemed to be different from what Ms. Speidel had discussed.

Public Hearing-Pole Petition Verizon-Carla Way and Westford St.:

Joseph Gleason, representing Verizon requested pole positions for the following:

1. To move the existing pole 29 feet, west of Westford Street, to accommodate the new subdivision.
2. To install a conduit from the new pole into the entrance of Carla Way.

Chairman McCall asked if there was anyone present to speak for or against the petition.

1. Ken Brody, resident-140 Westford Street stated that if the pole was moved it would be right in front of his house. Chairman McCall asked if the pole could be reconfigured. Mr. Gleason stated that he would return on November 20th with a

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new configuration of the pole. Selectman Newcomb requested Mr. Gleason come with information on the 20th concerning the poles in the center.

Motion: Selectman Chase made a motion to continued the public hearing for Verizon movement of pole and the laying of conduit on Carla Way until November 20, 2006 BOS regular meeting. Selectman Newcomb seconded the motion. Motion carried.

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Town Manager Bids and Contract Awards- IT Network Design Consultant:

Ms. Speidel stated that the Information Advisory Committee had been meeting to improve the Town network. Ms. Speidel stated that an RFP went out to find a consultant. Ms. Speidel recommended the award be given to ATI Telemanagement Company not to exceed $21,200.

Motion: Selectman Chase made a motion to approve the contract award for ATI Telemanagement to not exceed $21,200, recommended by the Information Technology Advisory Committee. Selectman Newcomb seconded the motion. Motion carried.

Common Victualer License- China Mountain, 39 Tyngsboro Rd.:

Chris Coleman, representing the owner, requested the license stating that the seating would remain the same.

Motion: Selectman Chase made a motion to approve the Common Victualer license to China Mountain located at 39 Tyngsboro Rd; hours of operation Sun-Sat 11am-12:30am. Selectman Newcomb seconded the motion. Motion carried.

Common Victualer License- Tai Shiang Garden, 7 Summer St.:

Peter Lim, representing the owner, requested a license and stated that the plan was to update equipment.

Motion: Selectman Chase made a motion to approve the Common Victualer license to Tai Shiang Garden located at 7 Summer Street; hours of operation Mon-Thurs 11:30am – 9pm, Fri-Sat 11:30am-10pm and Sun- 12pm-10pm. Contingent upon a report from the ADA and inspection by the BOH. Selectman Newcomb seconded the motion. Motion carried.

Change of Hours- Urban Café Fletcher St.:

Janet Urban requested a change of hours to accommodate the breakfast menu.

Motion: Selectman Chase made a motion to approve the change of hours for the Urban Café, on 12 Chelmsford St.; new hours Mon-Sat. 6am-11pm and Sundays 6am-11pm. Selectman Newcomb seconded the motion. Motion carried.

Change Hours-Sterling Gold Management/CCC, 66 Park Rd.:

Kevin Osgood, owner of Sterling Golf Management, requested a change of hours for the Chelmsford Country Club to midnight on Sunday and Mondays. Mr. Osgood stated that the change of hours was to accommodate members to watch Sunday and Monday football games. Selectman Chase asked if there were any incidents on record. Ms. Speidel stated that there were no reported incidents. Chairman McCall wanted assurance that the

establishment would not become a sports bar. Mr. Osgood stated that there is a ten year history with the Town.

1. Ken Frost, resident-65 Park Rd. stated that there had been a number of problems at the club where the police were called. Mr. Frost stated that it was a family neighborhood and was concerned with the proposed extension of the hours.
2. F. Bailey Laughlin, resident-69 Park Rd. stated that when members leave the club there is a lot of carousing and the police have been called. Selectman Chase noted that proper oversight would be needed if the hours were changed, and reminded the owner that the extension could be yanked if there are issues.

Motion: Selectman Chase made a motion to approve the temporary extension of hours for the Chelmsford Country Club for Sundays 10 p.m.-12 a.m; contingent on the function area to be closed and off limits during the extended hours. Selectman Newcomb seconded the motion. Motion carried.

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One Day Beer and Wine License- St. John the Evangelist Church, 115 Middlesex St.- Annual Auction:

Motion: Selectman Chase made a motion to approve the one day beer and wine license for St. John the Evangelist Church for Saturday November 18th, from 4pm-9pm. Selectman Newcomb seconded the motion. Motion carried.

BOS Vote- Shore Drive Easement:

Chairman McCall noted that this item was passed at Town Meeting.

Motion: Selectman Chase made a motion to grant the easement on Shore Drive to Karen Bevis; residing at 174 Willow Drive. Selectman Newcomb seconded the motion. Motion carried.

Tax Classification Hearing:

Frank Reen, Town Assessor reported that the commercial data was 90% complete and that the market is dropping off in the residential properties. Mr. Reen stated that the vacancy rate is down.

Questions from Board

Selectman Newcomb asked what changed in Exhibit 6. Mr. Reen stated that the commercial/industrial was increased in value since the preliminary numbers were given and the change reflected the increase. Mr. Reen added that the commercial/industrial was increases due to better leases and vacancy rates. Chairman McCall asked if Mr. Reen saw this trend continuing. Mr. Reen replied that the residential properties are leveling off and that there will be more of a shift to the commercial/industrial as residential properties go down in value. Chairman McCall asked if Mr. Reen has a better pool of data to pull from to apply a different method of assessment. Mr. Reen noted that communities are starting to see some progress in collecting more data. Mr. Reen stated that the income approach was used to assess properties. Selectman Chase stated that this Board put a lot of time and effort into studying classification and reminded the Board that the income approach used to value commercial properties is not the default method of evaluation as suggested by the Tax Classification Study Committee. Selectman Chase did not want to

mislead the residents by stating that the income method is the preferred method and is required by the Department of Revenue (DOR). Selectman Chase added that the market approach method was less reliable because of all of the variables involved. Mr. Reen agreed with that assessment by Selectman Chase. Selectman Chase asked Mr. Reen about the compliance rate of commercial/industrial properties to the Town assessment form. Mr. Reen stated that compliance is at 26%, and is down from last year. Selectman Chase asked Mr. Reen to supply the Board with the sales summary on commercial/industrial property before November 20th. Selectman Newcomb asked how the returns on the forms could be increased. Mr. Reen stated that getting the CBA involved would help, and in fact that the CBA has volunteered to so.

Public Input

1. Mary Tiano, resident-1 Spruce Street asked if she could get a copy some of the information presented from Mr. Reen. Mr. Reen stated that he would send her the information.

Westland Commons-LIP:

Chairman McCall noted that the Westland LIP discussion would be continued until the December 4, 2006, regular Board meeting so that the Housing Authority can meet prior to the Board meeting.

Motion: Selectman Chase made a motion to continue the public hearing until December 4, 2006, regular Board Meeting. Selectman Newcomb seconded the motion. Motion carried.

Continuation LIP Approval- Hillside Garden, Route 110:

Paul Alphen, representing the developer addressed the concerns brought forth at the last Board meeting by Mr. Sheehan. Mr. Alphen noted that the percentage of affordability was in question because it depended on the cost of the units. Mr. Alphen stated that a more conceptual plan would be presented.

Chris Loraine, of Land Tech, presented the changes to the site plan to the Board. Mr. Loraine presented a single garden unit as opposed to two garden units on the plan presented at the last Board meeting. Selectman Chase commented on the number of units, now at 76. Mr. Mellon, the Architect on the project presented the style of each unit being proposed. Mr. Alphen requested that the Board vote to approve the LIP. Selectman Newcomb was concerned with the density of the project and that it is not 25% affordable. Chairman McCall had a concern with the property lines of the residents and the proximity to the town houses proposed. Chairman McCall asked if the town houses on the property line could be pushed back. Mr. Sheehan stated that the property has a limited amount of open space. Selectman Chase asked how likely is it that the Board of Appeals would change the site plan. Mr. Sheehan stated that the Board should not feel held hostage by the LIP, and if they do not like it they should not endorse it.

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BELMONT, MASS.

1. Barbara Bunn, resident-6 Chamberlain Rd. stated safety concerns for residents and question whether the development was truly affordable. Ms. Bunn was concerned with where the water run off would be as well as the bastings that will occur. Ms. Bunn read from the Towns Master Plan and was concerned with the development infringing on the character of the neighborhood.
2. Matt Mayer, resident-8 Chamberlain Rd. stressed the safety issue as well as Chamberlain Rd. becoming an access road to the proposed development. Mr. Maher described the characteristics of Chamberlain Rd. and noted that there are many children on the street. Mr. Maher noted that traffic would increase if the development is built and the development was not a good example of responsible growth.
3. Christina Ingalliana, resident-23 Chamberlain Rd. stated that the residents have only seen a conceptual plan and has not heard from the developer with additional information. Ms. Ingalliana stated that she would contest the development.
4. Rich Hicks, resident- 24 Chamberlain Rd. asked how the Board could approve an incomplete plan. Mr. Hicks had concern with the density of the project. Mr. Hicks added that the proposed project exceeds the zoning of the Town.
5. Marty Larocca, resident- 16 Chamberlain Rd. stated that the road is not wide enough to become an access road and that the fire trucks could not make the turn. Mr. Larocca was also concerned with the property values decreasing with the proposed development.
6. Sally Gilmon, resident-4 Chamberlain Rd. stated that the neighborhood does not want the project.
1. Joseline Demueth, resident 24 Chamberlain Rd. stated that she just moved to Town and is concerned with the proposed project. Ms. Demueth referred to the Town's Master Plan and showed a picture of what the new development could look like in the neighborhood. Ms. Demueth asked the Board not to approve the plan. Ms. Demueth noted that she and her neighbors are willing to talk to the developer to develop something that fits the neighborhood.
8. David Cowey, resident 26 Chamberlain Rd. was against the development and noted the loss of living on a dead end street.
9. Paul Serpa, 9 Chamberlain Road explained to the board that he has lived on Chamberlain Rd for thirty five years and stated that the new development plan was harmful to the neighborhood. Mr. Serpa stated that he received cracks from blasting when the state built I.-495. Mr. Serpa also educated the board with various acronyms so they would remember the plan was a bad one.
10. Jillian Larocca, resident-16 Chamberlain Rd. stated that she grew up on the street and did not want the development to ruin the street.
11. Eddie Bunn, past resident-6 Chamberlain Rd. stated that he grew up on the street and recommended voting against the development.

Mr. Alphen noted that there was no access road planned for Chamberlain Rd. Mr. Alphen agreed that the plan was incomplete but many issued would be worked out at the Board of Appeals level. Selectman Eliopoulos asked what assurances could be given that Chamberlain would not be used as an access road. Mr. Sheehan noted that a gate was possible but a discussion needed to occur with the fire chief.

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Motion: Selectman Chase made a motion to approve the LIP Hillside Garden, subject to conditions addressed in the November 3, 2006, letter having a maximum of 75 units with 25% affordable; any access emergency road would be gated. Selectman Newcomb seconded the motion. Selectman Chase withdrew the motion.

Discussion
Selectman Newcomb expressed concern with the density of the proposed plan and how the number of units keeps increasing over time. Selectman Newcomb added that one of the principals on the project spoke against the density of another project in Town and Selectman Newcomb would not support the proposed LIP project. Selectman Eliopoulos noted the improvements that have been made and wanted to keep the cooperation with the developer. Selectman Newcomb suggested tabling the motion and giving more time to the developer. Selectman Chase was concerned with the density of the project and withdrew the motion.

Duke Pointer developer of the LIP thanked the Board for their comments and noted the approval of the project by the Towns Housing Authority. Mr. Pointer was willing to remove the unit buffering the boundary line. Mr. Pointer noted that the scale of the picture shown was not accurate but was appreciative to the dialog with the residents. Mr. Pointer stated that he would try again and return on November 20th. Selectman Newcomb asked why a home was purchased on the corner of Chamberlain Rd, and if it was for the purpose of using Chamberlain Rd. as an access Rd. Mr. Pointer denied that was the purpose of the purchasing of the property.

Motion: Selectman Chase made a motion to close the public hearing and continue the vote on Tax Classification for November 20, 2006. Selectman Newcomb seconded the motion. Motion carried.

+ All Alcoholic Restaurant

Continuation-Common Victualer License-Feng Shui Asian Cuisine, 285 Chelmsford Street:

Motion: Selectman Chase made a motion to approve the Common Victualer License from Mama's Italian Grill to Feng Shui Asian Cuisine located at 285 Chelmsford Street. Selectman Newcomb seconded the motion. Motion carried.

Change of Hours-Country Club USA, 67 Parkhurst Rd.:

Motion: Selectman Chase made a motion to approve the extension of hours for Country Club USA on November 23, 2006 from 1am to 2 am. Selectman Newcomb seconded the motion. Motion carried.

BOS Vote- Roadside Vendors, Christmas Trees:

Motion: Selectman Chase made a motion to approve the road side vendor license to Central Congregational Church from November 25th -December 20th and Gregory Springs from December 1st-December 24th. Selectman Newcomb seconded the motion. Motion carried.

Town Manager Reports:

1. Ms. Speidel commented on Town Meeting passing Section 18. Ms. Speidel invited representatives to come and help fill out the new forms and noted that it has received good response from the residents.
2. Ms. Speidel reported that the state approved the MERIT (Military Enhanced Relief Individual Tax) plan that becomes effective in FY07. Ms. Speidel explained that this plan would enhance exemptions for disabled veterans in Town. Ms. Speidel stated that a brochure was being created to help advertise the new plan.

Approval of Minutes:

Chairman McCall stated that the October 25, 2006 meeting minutes would be tabled.

Motion: Selectman Chase made a motion to approve the Meeting Minutes for September 18th, September 25th Joint Meeting, October 2nd, 3rd, 5th, 11th, and 16th. Amended- September 25th location was at School Administration Building; Typos given to clerk by Selectman Chase. Selectman Newcomb seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the October 5, 2006 Executive Session meeting minutes. Selectman Newcomb seconded the motion. Motion carried.

Selectman Referrals:

Selectman Eliopoulos and Selectman Chase held off on referrals.

Selectman Newcomb made the following referrals:

1. School Building Committee was on time and on budget.

Chairman McCall made the following referrals:

1. Chairman McCall introduced the new Town Manger, Paul Cohen who was sitting in on the meeting.
2. Chairman McCall encouraged all residents to go out a vote November 7, 2006.

Motion: Selectman Chase made a motion to adjourn to executive session for the purpose of discussing litigation at **8:52pm**. Selectman Newcomb seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

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TOWN OF CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, December 4, 2006
50 Billerica Road, Town Offices

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman

Paul Cohen, Town Manager

7:05pm
Chairman McCall called the meeting to order.

Public Service Announcement:
Mr. Freeman, board member of the Murdoch Middle School, stated that the Murdoch Middle School Quality Night would be held on December 5th from 6pm-7pm. Mr. Freeman noted that this event gave students the opportunity to practice public speaking.

Open Session:
No one spoke.

Approval of Minutes:

Motion: Selectman Chase made the motion to approve the November 6, 2006, regular session minutes. Selectman Dalton seconded the motion.
Amended: P3, 3rd line from top of page: "Selectman Chase made a motion to ***continue***..."

P4 under Tax Classification Hearing, *Questions from the Board,* 3rd sentence: "Mr. Reen added that the commercial/industrial was ***increased***..." 5th Sentence: "Mr. Reen replied that the residential properties are leveling off and that there will be more of a shift ***to***... 9th Sentence: "Selectman Chase stated that ***this Board put a lot of time and effort into studying*** classification and reminded the Board that the income approach ***used to value commercial properties is not*** the default method of valuation ***as suggested by the Tax Classification Study Committee***. Selectman Chase did not want to mislead the residents ***and stated*** that the income method ***is the preferred method*** and ***is*** required by the Department of Revenue (DOR)."

P5, 4th Sentence from top of page: "Mr. Reen stated that ***compliance is at 26%, and is down from last year***. Selectman Chase asked Mr. Reen to supply the Board with the ***sales*** summary on commercial/industrial property ***before*** November 20th. 6th Sentence: Mr. Reen stated that getting the CBA involved would help, ***and in fact that the CBA has volunteered to do so***."

P5, second to last sentence on the page: "Selectman Chase asked how likely ***is it that***..."

P7, Delete the Motion paragraph referring to continuing the vote on Tax Classification

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Motion carried

Motion: Selectman Chase made a motion to approve the November 6, 2006, Executive Session meeting minutes. Selectman Dalton seconded the motion. Motion carried.

2007 Annual License Renewal:

Motion: Selectman Chase made a motion to approve an Automatic Amusement License for 2007 to: DePalma Lanes. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the following All Alcohol Club Licenses for 2007 to:

The American Legion
Chelmsford Elks, Lodge 2310

Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the following All Alcohol Innholders Licenses for 2007 to:

Chelmsford Hotel Company
PKS Realty, Inc. d/b/a Best Western

Motion: Selectman Chase made a motion to approve the following Beer & Wine Restaurant Licenses for 2007 to:

Amici's Trattoria - Contingent upon an updated TIPS certification.
Chelmsford House of Pizza & Seafood
Evzon
Fish Shops, Inc.
Infusions Bistro
Jimmy's Pizza, Subs and Seafood
Khoo & Ng Corp. (Sakura Japanese Cuisine)
Sals' Pizza - Contingent upon an updated TIPS certification.
Urban Cafe
Yoong Tong II Thai Restaurant

Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the following All Alcohol Restaurant Licenses for 2007 to:

Applebee's Neighborhood Grill and Bar
Bainbridges
Bertucci's Restaurant Corp.
Chelmsford Country Club (Sterling Golf Management)
C.K. Restaurant Inc. (Mama's)

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Country Club, Too, Inc.
Garlic and Pepper Bistro
Glenview Lounge and Pub
Hellenic Oven & Grill
Hong & Kong
India Palace
Kastore Restaurant
The Ground Round
Princeton Station
Skip's Restaurant
Szechaun Chef Restaurant
Thai Jasmine
Vincenzo's Restaurant

Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the following All Alcohol Package Store Licenses for 2007 to:

DJVP Ram Corp. (The Corner Cupboard)
Drum Hill Liquor Mart
Harrington Wine & Liquors
Sam's Liquors
The Wine Rack
Vrouhas, Inc
Westlands Package Store

Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the following Beer & Wine Package Store License for 2007 to:

Ted's Market **- Motion not to renew upon owners request.**

Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the following Auto Dealers Licenses for 2007 to:

Class I Auto Dealers
J.P. Rivard Trailer Sales
Route 3A Motors

Class II Auto Dealers
A1 Auto Body Company
A + Auto Body Repair
Beantown Motors
Bodyworks Auto Body
Bosco Automotive Services
Chadwick-BaRoss, Inc.
Chelmsford Auto Sales, Inc.
Duffy's Auto Co., Inc

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Ferreira Wrecker Sales
Jim Gervais Sales, Inc
KMH Motors
Landry's Automotive - **Contingent upon an updated Certificate of Insurance**.
McGovern Automotive
Merrimack Auto Sales, Inc.
Morton Jaguar Service, Inc.
Northeast Transmission Company
N.T.C. Automotive
Pleasant Auto Sales of Chelmsford
R & P Auto Sales (1 Oak Street) - **Contingent upon an updated Certificate of Insurance.**
R & P Automotive (117 Princeton Street)
Silva's Garage and Auto Sales
Stony Brook Auto Body
Winner's Circle Auto Sales, Inc.

Class III
No. Chelmsford Auto Parts - **Continue the Public Hearing to the Dec. 18th meeting of the BOS.**

Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the following Common Victualer Licenses for 2007 to:

A&A Convenience Stores
A+ Mini Market
Antonio's Pizza - **Contingent upon providing an updated Certificate of Insurance.**
Boston Market Corp.
Brickhouse Pizza
Brothers Gourmet Pizzeria
Burger King Restaurant - **Contingent upon providing an updated Certificate of Insurance.**
Carvel & Cinnabon
Carven Catering Services
Catering by Dinner is Served
Chelmsford Shell Mart - **Contingent upon providing an updated Certificate of Insurance.**
China Mountain Restaurant
Country Club USA
D'Angelo's Sandwich Shop – **Contingent upon providing an updated Certificate of Insurance.**
Domino's Pizza
Dunkin Donuts – Acton Road
Dunkin Donuts – Chelmsford Street

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Dunkin Donuts – Drum Hill Road
Dunkin Donuts – Tyngsboro Road
Einstein Brothers Bagels
Elliott's Hot Dogs
Fresh Chow Restaurant
Friendly Ice Cream Corp.
Gary's Ice Cream
Kate's Corner
Market Basket
McDonald's Restaurant
Miller's Variety Store - Continent upon payment of outstanding PP taxes ($90.10)
Mr. Convenience
Nonna's Cucina
Over the Top Chocolate
Panera Bread - **Contingent upon providing an updated Certificate of Insurance.**
Papa Gino's - **Contingent upon providing an updated Certificate of Insurance.**
Quiznos Sub
Rosie's Diner
Sabatino's Italian Kitchen
Shop & Save (Hannaford)
Starbucks Coffee Company – **Contingent upon providing an updated Certificate of Insurance.**
Stop & Shop Supermarket
Subway – Chelmsford Street
Subway - Parkhurst Road
Sully's Ice Cream
Sweetest Memories
Tai Shiang Garden – **Contingent upon providing an updated Certificate of Insurance.**
The Flaky Pastry
The Pizza Place – **Contingent upon providing an updated Certificate of Insurance.**
Three Sister Deli
Timbo's
Village Square Convenience Store
The Java Room
Zesty Pizza

Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve M&M Towing - **Contingent upon coming into compliance with Planning Board issues and providing the BOS with a plan of the property.** Selectman Dalton seconded the motion. Motion carried.

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DELANEY
TOWN CLERK

Town Manager Reports:

1. Mr. Cohen reported that the discussion concerning lifeguards at condominium pools, per order of the Board of Health, will occur at the next meeting. Mr. Cohen noted that he would send notices to each condominium unit affected by the ruling.
2. Mr. Cohen reported that the Town Meeting timeline for the spring was approaching. The Town Warrant would be put together soon and distributed to FinCom.
3. Mr. Cohen reported that he, along with Ms. Speidel and Selectman Dalton, toured the EPA Homeland Security lab near Drum Hill. Mr. Cohen noted that more information was needed. A fence is also being put up around the trailer.
4. Mr. Cohen reported that during his first week he toured many Town facilities.

Road Side Vendor- Brown and Parson Earth Products, Golden Cove Road:

Motion: Selectman Chase made a motion to approve the Road Side Vendor license to Brown and Parson Earth Products, Jason Parson, on 47 Golden Cove Road from November 24th to December 23rd; 8am-5pm on Saturday and Sundays. Selectman Dalton seconded the motion. Motion carried.

Continuation Public Hearing- All Alcohol License, Java Room, Littleton Rd.:

Motion: Selectman Chase made a motion to approve an All Alcoholic license to Candy Lui, owner of the Java Room with hours of operation 7am-midnight Weekdays and Sundays 8am-10pm; contingent on the completion of the TIPS program. Selectman Dalton seconded the motion. Motion carried.

Public Hearing- Class III Auto Dealer License:

Chairman McCall stated that the public hearing was scheduled to address the issues presented to the Board on the N. Chelmsford Auto Parts located on 10 Butterfield Street. The owner of the Auto Parts Dealer, Philip DeAngelo, addressed the board. Chairman McCall stated that there are allegations that stolen property is being kept and sold on the premises. Mr. DeAngelo stated that incidents had occurred in the past but they had been resolved. Mr. DeAngelo added that he was cleared from any involvement by the authorities. Chairman McCall commented that Mr. Davies had been listed in the past as the Manager of N. Chelmsford Auto Parts, who is directly involved in the charges made by the Police Chief. Mr. DeAngelo stated that Mr. Davies has not worked for him but that Mr. Davies only pays rent. Chairman McCall asked if there was anyone present to speak for or against the license.

1. Dick Wheeler, resident of Lowell representing Barbara Stone of 5 Sleeper Street, commented that there have been a number of issues with the auto business. Mr. Wheeler stated that stakes had been pulled from survey lines and trash is thrown on Ms. Stone's property.
2. Barbara Stone, resident-5 Sleeper Street commented that a trailer had been parked on the street for over four days and the auto business does as they please.

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Chairman McCall stated that the building inspector needed to go to the site to ensure the business is complying with local laws. Selectman Dalton requested confirmation on whether Mr. Davies has been listed as manager of the auto body in the past. Selectman Chase noted that the Police Chief needed to be consulted to clear up the confusion of what had transpired on the property.

Motion: Selectman Chase made a motion that the BOS continue the public hearing for Class III Auto Dealer License for North Chelmsford Auto Body; contingent on contacting the Police Chief and the Building Inspector spot checking the location (providing the BOS with a written report). Selectman Dalton seconded the motion. Motion carried.

Continuation- Pole Petition Verizon located at Westford St. and Carla Way:

Joe Gleason, representing Verizon in Dracut, stated that the abutter concerns had been addressed and requested approval to move pole 23/61 40 feet along Westford Street and if approved then lay underground conduit to accommodate homes on Carla Way.

Abutters

1. David McNaulty, resident-135 Westford Street stated that moving the pole would put a third pole on his property and that he would not grant any easement if needed. Mr. McNaulty noted that there was ninety feet of frontage for the development and suggested the pole be placed there.

Chairman McCall suggested a letter be drawn up to the developer and the abutters listing the concerns. Selectman Newcomb asked for a status update on the poles in the center of Town. Mr. Gleason stated that he would follow-up.

Motion: Selectman Chase made a motion to continue the pole petition for Verizon on Westford St. and Carla Way; and requested that a letter be sent to the developer and abutters explaining the pole position issue. Selectman Dalton seconded the motion. Motion carried.

Common Victualer License- Papa Maggio's, 257 Littleton Rd.:

Rachel Maggio requested a Common Victualer License for Papa Maggio's.

Motion: Selectman Chase made a motion to approve the Common Victualer License to Arnaldo Maggio, for Papa Maggio's located at 257 Littleton Road; hours of operation weekdays 6am-10pm and Sundays 6am-9pm. Selectman Dalton seconded the motion. Motion carried.

National Grid-Tree Program Status Report:

Ken Finch, Project Tree Manager stated that the work to cut back trees would begin January and end in March. Mr. Finch noted that the trees would be trimmed or removed to decrease outages. Mr. Finch reported that sixty Town trees and three hundred private trees are marked for removal. Mr. Finch reported that all of the people needed to be

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notified have been notified. Mr. Finch concluded by stating that new trees would be planted throughout town.

BOS Vote: Letter of Support, Priority Development Fund grant application, Merrimack Valley Regional Housing Consortium:
Mr. Sheehan gave a brief outline of the program and noted that the money would help meet the affordable housing goals in Town.

Motion: Selectman Chase made a motion to approve the letter of support for the Merrimack Valley Regional Housing Consortium for a Priority Development Fund Application. Selectman Dalton seconded the motion. Motion carried.

Continuation: LIP Approval- Westland Commons, 194 Chelmsford St.:
Chairman McCall noted the absence of counsel for the Westland Commons project. Chairman McCall allowed abutters to speak.

1. Deirdre Carver, resident-3 Sunset Ave stated that she was against the project and commented on the positive meetings including all of the abutters. Ms. Carver stated that the developers are not acting respectfully by not withdrawing the agenda item.

Motion: Selectman Chase made a motion to continue the LIP Westland Commons to the December 18th regular BOS meeting; subject to submitting a plan with any proposed changes at least one week in advance to the BOS, Andy Sheehan and the Affordable Housing Director. Selectman Dalton seconded the motion. Motion carried.

Proposed- LIP Policy:
Selectman Dalton proposed a new Board policy for LIP's in Town. Selectman Dalton noted that the need for a Board policy results in part from the lack of time the Board generally is given to review LIP prior to an expectation that the Board will take action on a LIP endorsement request. Selectman Dalton gave the following minimum requirements for LIP's presented to the Board:

1. A site plan including height of structure, grading buffers, and abutting property lines.
2. Affordable housing component, reviewed by Mr. Hedison
3. Proven community outreach to abutters
4. Exemption and waivers of what the developer is seeking
5. A narrative of the benefit to the community
6. Community development endorsement
7. Regional conditions

Selectman Dalton suggested the Board review the document and vote on it at the next meeting. Selectman Eliopoulos requested all material be handed in one week prior to a Board meeting. Chairman McCall noted the issue of density. Selectman Newcomb cautioned that listing a maximum density could tie the hands of future boards. Chairman McCall noted the need for developments to keep in the fit of the neighborhood. Mr.

Sheehan suggested having a tier requirement and to raise the affordability requirement. Chairman McCall stated that the policy would be voted on at the December 18th Board meeting.

Selectman Referrals:

Selectman Eliopoulos made the following referrals:

1. Selectman Eliopoulos commented on the Holiday Prelude in Town and the high attendance.
2. Selectman Eliopoulos wanted to thank Selectman Chase for his efforts on the letter sent to Governor Elect Patrick.
3. Selectman Eliopoulos welcomed the new Town Manager to his first meeting.

Selectman Chase made the following referrals:

1. Selectman Chase commented on the leadership meeting with the School Committee and FinCom chairs. Chairman McCall noted that a joint meeting of all three boards has been on hold until the new Town manger gets comfortable.

Selectman Newcomb made the following referrals:

1. Selectman Newcomb reported that the McCarthy and Parker construction is almost complete and by the second semester the modules would be gone. The auditorium should be completed in March and a ribbon cutting ceremony will be held at that time.

Selectman Dalton made the following referrals:

1. Selectman Dalton reported that he and Selectman Chase attended a number of events and meetings over the week. Selectman Dalton mentioned that he toured many of the Town facilities with Mr. Cohen.
2. Selectman Dalton reported that the North Village Elderly Complex received a one hundred thousand dollar grant to fund a full time staffer. Selectman Dalton stated how pleased he was with Mr. Hedison's work.

Chairman McCall made the following referrals:

1. Chairman McCall welcomed Paul Cohen as the new Town Manager. Chairman McCall commented on the pre-Thanksgiving breakfast with Billerica. Chairman McCall noted that Billerica needed to be contacted with regard to engraving and possession of the Trophy.

Motion: Selectman Chase made a motion to adjourn at **8:45pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

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CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA
December 18, 2006

7:00 p.m. **Call to Order**

Public Service Announcements

Open Session

Approval of Minutes *Tab 1*

- Regular Meeting Minutes – November 20, 2006
- Regular Meeting Minutes – December 4, 2006

Scheduled Business

7:05 p.m. **Board of Health Report –** Lifeguard Policy for Semi-Public Swimming Pools *Tab 2*

7:30 p.m. **Public Hearing: Transfer of All Alcohol Common Victualer License:** Omega Pizza, 170 Concord Rd. *Tab 3*

7:35 p.m. **Application for an Entertainment License:** Urban Café, 12 Chelmsford St. *Tab 4*

7:40 p.m. **Continuation:** Class III Auto Dealer's License , North Chelmsford Auto Parts, 9 Sleeper St. *Tab 5*

7:45 p.m. **Continuation:** Verizon Pole Petition – Carla Way and Westford St. (Vote to Withdraw) *Tab 6*

7:50 p.m. **Continuation: LIP Approval –** Westlands Commons, 194 Chelmsford St. (Vote to continue until January 8, 2007) *Tab 7*

7:55 p.m. **Temporary Extension of Operating Hours:** Westlands Package Store, 229 Chelmsford St. *Tab 8*

Town Manager *Tab 9*

- Reports

Unscheduled Business

- BOS Vote: Local Initiative Project (LIP) Approval Policy
- BOS Vote: Appointment of Darlene Lussier as Interim Town Accountant

***** This meeting is televised. *****

Selectman Referrals

Executive Session – Litigation and Collective Bargaining

Next Regular Meeting: January 8, 2007

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TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, December 18, 2006
50 Billerica Road, Town Offices

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman

Paul Cohen, Town Manager

7:05pm
Chairman McCall called the meeting to order and noted that the Westland Common LIP agenda item would be continued until January 8, 2007. Chairman McCall also announced that the Verizon Pole Petition agenda item had been withdrawn.

Open Session:
No one spoke.

Approval of Minutes:

Motion: Selectman Chase made the motion to approve the November 20, 2006, regular meeting minutes. Selectman Dalton seconded the motion. Motion carried.

Selectman Chase withdrew his motion to approve the December 4, 2006, meeting minutes due to missing pages.

Board of Health (BOH) Report-Lifeguard Policy for Semi-Public Swimming Pools:
Chairman McCall stated that he had spoken to several condominium boards and asked Town Counsel to provide a report. Attorney Craig Corbo, of Kopelman and Paige, reviewed the BOH regulations from May of 2005 and noted that it was a phased in requirement. The requirements would be applied to all semi-public pools in town. Mr. Corbo read the state's definition of a semi-public pool, which included pools in condominiums. The state delegated the responsibility to individual BOH across the state to enact the regulations. Mr. Corbo met with the BOH, and it was determined that various provisions could be available. For example the maintenance staff at the condominiums could be trained in lifesaving techniques. Chairman McCall noted that the issue fell into the purview of the BOH and not under the Board of Selectmen, and also noted that the BOS was providing this forum only in an effort to facilitate discussion. Mr. Corbo stated that the BOH agreed to coordinate draft regulations for the Town and have it reviewed by the BOH at the January 9, 2007, meeting.

1. Peter Dulchinos, member of the BOH, stated that the BOH would continue to work on the issue and that there will be a meeting on January 9, 2007, to discuss the regulations with residents.

2. Richard Mahoney, resident-64 Prescott Drive read from the MA General Laws and noted that a condominium could not be grouped with hotels in Town. Mr. Mahoney expressed frustration with the process because he felt the residents have not been informed in a timely manner. Chairman McCall stated that Mr. Mahoney's presentation could be made to the BOH at the January 9, 2007, meeting.
3. Bob Stegmaier, resident-73 Prescott Drive listed recent drownings in Town and noted none have been at condominiums. Mr. Stegmaier added that having the regulation for a lifeguard may not impact future drownings because lifeguards were present at past drownings in Town.
4. Douglas Hausler, representing the Radisson Hotel stated that using Town Counsel now to draft regulations would be a waste of Town money. Mr. Hausler noted that a public hearing with the BOH should occur before any draft regulations are created. Mr. Hausler also warned against maintenance and safety and combing the two.
5. Janice Spence of the Williamsburg Condominiums stated that complex residents were not invited to any BOH meetings or the Selectmen meetings. Ms. Spence asked that the complex be notified of future meetings. Mr. Mahoney noted that all condominiums were notified of the phase in plan and all BOH meetings are open to the public.

Public Hearing- Transfer of All Alcoholic Common Victualer License, Omega Pizza, 1270 Concord Rd:

Joseph Devlin, representing Steve Kontakos owner of Omega Pizza, requested a transfer of the All Alcoholic License. Mr. Devlin stated that Mr. Kontakos has been in the restaurant business since 1985 and was TIPS certified. Chairman McCall asked if there was anyone present to speak for or against the license.

Motion: Selectman Chase made a motion to close the public hearing: Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to continue the public hearing of Omega Pizza's and its request for an All Alcohol License, until the January 8, 2007, meeting. Selectman Dalton seconded the motion. Motion carried.

Application for an Entertainment License- Urban Café, 12 Chelmsford St.:

Janet Urban, owner of the Urban Café requested an entertainment license.

Motion: Selectman Chase made a motion to approve an Entertainment License to Urban Café, located at 12 Chelmsford Street; limited to instrumental and vocal music. Selectman Dalton seconded the motion. Motion carried.

Continuation- Class III Auto Dealer's License, North Chelmsford Auto Parts, 9 Sleeper St.:

Greg Haladyna, representing Philip D'Angelo (holder of the Class II license), stated that he received a copy of past board minutes as well as the Police Chiefs report. Mr.

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Haladyna noted that he did not represent Mr. Davies, and that Mr. Davies was never paid by Mr. D'Angelo; the sole owner of the business. Mr. Haladyna stated that Mr. Davies leased part of the property for over a five year period. Mr. Haladyna acknowledged that Mr. Davies had come in to address the Board of Selectmen in the past, but only on an informal basis.

Selectman Dalton reading from the Minutes of past Board meetings stated that in previous appearances before the Board, Mr. Davies identified himself as the Manager of the Auto Parts business. Selectman Dalton asked Mr. D'Angelo if he had any idea why Mr. Davies would represent himself as the Manager before the Board. Mr. D'Angelo replied that it made things simpler to acknowledge Mr. Davies as the manager. Chairman McCall added that when he visited the site Mr. Davies presented himself as the Manager, and now it is being stated that Mr. Davies was never the manager. Mr. Haladyna stated that Mr. Davies misrepresented himself to the Board. Selectman Newcomb commented that Mr. Davies was acting as manager and it was being condoned by Mr. D'Angelo. Mr. Haladyna commented that the situation could have been handled better and that all of Mr. Davies property is being removed from the premises.

Chairman McCall asked what business would transpire now that Mr. Davies is gone. Mr. Haladyna replied that Mr. D'Angelo wished to continue to operate the business. Selectman Dalton was concerned that Mr. D'Angelo knew what was transpiring on the property with Mr. Davies. Mr. Haladyna added that the chief stated that there was no evidence that Mr. D'Angelo was involved with any wrong doing.

Chief Murphy stated that the investigation was ongoing and that nothing indicates Mr. D'Angelo was involved. Chief Murphy's main concern was with what was going on that location and that the Town would not tolerate any illegal activity. Chief Murphy added that he was also confused with who was operating as the manager of the site. Selectman Chase asked Chief Murphy if he would re-affirm his November 29, 2006 recommendation to the Board not to renew the license.. Chief Murphy stated that he would recommend that the Board not renew the license to N. Chelmsford Auto Body.

> **Motion:** Selectman Chase made a motion to not renew the Class III license to N. Chelmsford Auto Body on 3 Butterfield Rd, for 2007. Selectman Dalton seconded them motion. Motion carried.

Selectman Eliopoulos suggested that a letter of suspension be sent to the owner.

Continuation-Verizon Pole Petition, Carla Way and Westford St.:

> **Motion:** Selectman Chase made a motion to withdraw the Verizon Pole Petition, without prejudice, for poles 26/27 on Carla Way and Westford Street. Selectman Dalton seconded the motion. Motion carried.

Selectman Newcomb commented on the past requests for updates on the center poles. Mr. Cohen noted that he has not heard from Verizon regarding the center poles.

Motion: Selectman Chase made a motion that no petitions would be grated to Verizon until information on the remaining poles in the Town center is received by the Town Manager. Selectman Dalton seconded the motion. Motion carried.

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Continuation-LIP Approval- Westland Commons, 194 Chelmsford St.:

Motion: Selectman Chase made a motion to continue the LIP-Westland Commons to the January 8, 2007, regular BOS meeting. Selectman Dalton seconded the motion. Motion carried.

Temporary Extension of Operating Hours-Westlands Package Store, 229 Chelmsford St.:

Motion: Selectman Chase made a motion to approve the extension of hours to Westland Package Store, located at 229 Chelmsford Street, for December 24, 2006 and December 30, 2006; from 12-8pm to 12-11pm. Selectman Dalton seconded the motion. Motion carried.

Town Manager Reports:

1. Mr. Cohen reported that the sewer agreement for Princeton Properties was approved; therefore a vote is needed by the Board and a written agreement will be sent later.

Motion: Selectman Chase made a motion to approve to the Princeton Property Agreement, which will be sent in writing at a later date to the BOS. Selectman Dalton seconded the motion. Motion carried.

2. Mr. Cohen reported that the diesel pump at the DPW yard will be removed and DPW trucks would fill up their tanks at the police department pump. Mr. Cohen noted the containment concerns presented at the last Town Meeting. The police station will then have one tank of regular and one tank of diesel fuel

3. Mr. Cohen reported that the FY06 Audit was completed and the Management Letter was available to Board members. The auditors have been invited to the next Board meeting on January 8, 2007.

4. Mr. Cohen reported that a letter would be sent to the state legislature complying with the Town Meeting Vote on the composition of Town Meeting addressed in Article 24 in the Town Warrant.

Motion: Selectman Chase made a motion to approve a letter be sent to the State Legislature concerning Article 24 passed at Town Meeting; regarding the composition of the Town Meeting as it relates to the federal census. Selectman Dalton seconded the motion. Motion carried.

5. Mr. Cohen reported that the Town's Annual Report is available and thanked Kellie Hebert for all of her work on the report.

6. Mr. Cohen reported that the he heard from the Labor Relations Commission in regards to the police. The police need to decide which union they want to

represent them and once that process is complete the Town can commence with collective bargaining

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BOS Vote-Appointment of Darlene Lussier as Interim Town Accountant:

Motion: Selectman Chase made a motion to approve the appointment of Darlene Lussier, as the interim Town Accountant for sixty days; which can be extended by BOS. Selectman Dalton seconded the motion. Motion carried.

BOS Vote-Local Initiative (LIP) Approval Policy:

Chairman McCall acknowledged that some changes to the document have been made since the last Board meeting. Selectman Dalton stated that Andy Sheehan and David Hedison have given input. Selectman Chase outlined the document and its key areas; Narratives, requirements including plans elevations etc., pricing and affordability, community outreach, and narrative of how the project would benefit the Town. Selectman Dalton asked that the original density discussed at the prior meeting be included back into the document. Selectman Newcomb requested that a definition of the word abutters be included. Chairman McCall noted that the policy could be amended in the future. There was a discussion of a timetable for the developers and when documents should be submitted to town departments. Selectman Chase stated that he would make the changes recommended by the Board.

Selectman Dalton stated that he has spoken to some developers who thought the policy was asking for too much. Selectman Chase stated that the town would be saving the developers time and money because they would not be going back and forth.

Motion: Selectman Chase made a motion to approve the LIP Approval Policy as amended through the Boards discussion. Selectman Dalton seconded the motion. Motion carried.

Selectman Referrals:

Selectman Newcomb made the following referral(s):

1. Selectman Newcomb reported that the School Building Committee has been meeting and that the modules in the science labs should be removed by the second semester.

Selectman Dalton made the following referral(s):

1. Selectman Dalton reported on the annual Salvation Army WCAP telethon/ Auction. Selectman Dalton stated that he helped raise over $10,000. Selectman Dalton thanked Pat Maloney, Chairman of the School Building Committee, for his generous $1,000 contribution.

Selectman Chase made the following referral(s):

1. Selectman Chase reported that he, along with other town officials, attended the December 5, 2006 Deval Patrick transition team meeting that was held at Lowell City Hall. Input was gathered and the team heard Chelmsford's concerns of decreasing state aid and Chapter 70 money.

2. Selectman Chase stated that the School Committee has met and material on their budget is available for Board members.
3. Selectman Chase noted that Mr. Cohen has already made a positive contribution to various committees and has brought a cooperative spirit to the Town.
4. Selectman Chase reported that the last position has been filled in FinCom. Mr. Vincent Villano is a well qualified addition to the committee.
5. Selectman Chase commented on the leadership committee (School Committee and FinCom). Selectman Eliopoulos asked what has been on the agenda at the meetings. Selectman Chase stated that the group is making progress on the single chart of accounts as well as improving the communication between the Boards.

Selectman Eliopoulos made the following referral(s):

1. Selectman Eliopoulos reminded the Board that a letter needed to go out to sanders of Route 3 that certain areas that buffer Chelmsford are low salt areas.
2. Selectman Eliopoulos stated the need to hold the state accountable when it came to Chapter 70. Chairman McCall asked about the status of possible litigation. Selectman Eliopoulos suggested Town Counsel coming in on January 8th to discuss possible litigation. Chairman McCall stated that litigation should be a last resort option and that lobbying efforts should continue. Selectman Newcomb suggested asking if Town Counsel has a conflict of interest if other municipalities are brought into the litigation.

Chairman McCall made the following referral(s):

1. Chairman McCall asked about the status of the school zone sign on Route 4. Mr. Cohen stated that it was a question of who would fund it, and that the Police Chief was in favor of the sign.

Press Questions:
None

Motion: Selectman Chase made a motion to adjourn into Executive Session for the purpose of litigation and collective bargaining at **9:12pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA
January 8, 2007

7:00 p.m. **Call to Order**

Public Service Announcements

Open Session

Approval of Minutes

- BOS Regular Meeting Minutes - December 4, 2006
- BOS Regular Meeting Minutes – December 18, 2006
- BOS Executive Session Minutes- December 18, 2006

Town Manager Appointments

- Cultural Council
- Constable Appointments
- Fourth of July Parade Committee

Scheduled Business

7:30 p.m. **Continuation: LIP Approval –** Hillside Gardens, 311 Littleton Rd.

7:45 p.m. **Continuation: Transfer of All Alcohol Common Victualer License** - Omega Pizza – 170 Concord Rd.

7:50 p.m. **Common Victualer License** – Little Peach, 210 Boston Rd.

7:55 p.m. **Continuation – Class II Auto Dealer's License - M&M Towing** – 85 Tyngsboro Rd.

8:00 p.m. **One-Day All Alcohol License** – St. Vartanantz Church, 180 Old Westford Rd

8:05 p.m. **BOS Vote to Continue: LIP Approval –** Westlands Commons, 194 Chelmsford – Vote to Continue

8:15 p.m. **Public Hearing - Petition to Place Pole – National Grid -** Subway Ave – Plan 1732383

8:20 p.m. **One-Day All Alcohol License** - Chelmsford Public Library – 25 Boston Rd

*** **This meeting is televised.** ***

Town Manager

- Reports

Unscheduled Business

Selectman Referrals

Executive Session

Next Regular Meeting: January 22, 2007

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, January 8, 2007
50 Billerica Road, Town Offices

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ELIZABETH L. DELANEY

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
Paul Cohen, Town Manager

7:05pm
Chairman McCall called the meeting to order and noted that the Westland Common LIP agenda item would be continued to the January 22, 2007. Chairman McCall also announced that the Russell Road agenda item was also pulled as a result of a prior meeting with the residents involved.

PSA:

1. David Hedison, Director of the Chelmsford's Affordable Housing, stated that on January 16, 2007, the Chelmsford Housing Authority would have applications available for Princeton Commons. Mr. Hedison also noted that applications were available for the resale of home ownership. If there were questions Mr. Hedison asked residents to call.

Russell Road Update:
Selectman Eliopoulos updated the Board with regard to the January 5th meeting with the Russell Road residents who are attempting to clear up what they consider to be clouded titles to their property. Selectman Eliopoulos gave a brief history of the events that lead up to the meeting. Selectman Eliopoulos stated that there seemed to be a number of unfortunate miscommunications relative to the issue and further meetings were needed with residents and Town Counsel. Selectman Eliopoulos noted that the sentiment of the recent Town Meeting vote has not been disregarded by the Board. Selectman Chase stated that the issues involving clear title and ownership are not as apparent and simple as many people think and that the primary job of the Board is to do what is best for the Town. Selectman Chase added that the Board has a legal and fiduciary responsibility to protect the interests of all taxpayers including the Russell Road residents and the Board would continue to work through to try and resolve the issues. Selectman Eliopoulos stated that the he would meet with each individual resident (5) involved in the Russell Road land dispute. Selectman Eliopoulos asked the Chair for permission to continue, with Selectman Chase, on working with residents.

Open Session:

1. Mary Tiano, resident-1 Spruce Street commented on a quote by Selectman Eliopoulos in the Lowell Sun. Selectman Eliopoulos stated that his interest was the best interest of the Town. Ms. Tiano stated that the first mention of the issue

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was at spring 06' Town Meeting and that the issue has become more complicated. Selectman Eliopoulos stated that the Board did not have to bring the article forward and that based on the recent meeting with Russell Road residents, it is now apparent that poor communication between residents and Town Hall has contributed to the current situation. Chairman McCall noted that the obligations of the Board had been met and there is further discussion occurring between residents and Town counsel. Ms. Tiano stated that Town Representatives were upset with the lack of communication.

2. Sam Poulten, Town Meeting Representative, expressed concern with the payment of taxes by the residents involved in the Russell Road issue. Chairman McCall stated that mistakes made on deeds is common. Mr. Poulten commented that progress had been made and the Board should adopt a position of "how can we do this".

3. Jodie O'Neil, Town Meeting Representative, asked if there was any intention to sell to another party besides the residents. Selectman Eliopoulos stated that there was no intention to sell to another party. Ms. O'Neil urged the Board to clear up the issue.

4. Paul Davis, resident-117 Steadman St. asked if the Westland LIP should now be required to follow the Boards new LIP policy. Selectman Eliopoulos stated that the Westland project would be held to the new guidelines.

Continuation-LIP Approval Hillside Garden, 311 Littleton Rd:

Paul Alphen, attorney for the Hillside Garden LIP, noted further modification of the site plan based on the Developer's desire to adhere to the spirit of the new Board LIP policy. Mr. Alphen stated that the number of units was decreased. Mr. Alphen stated that there was a new memo of understanding with the Chelmsford Housing Authority. Mr. Alphen stressed that the emergency access road via Chamberlain was eliminated from the plan, and that there would be no attempt to place an emergency access road.

Chris Lorane of LandTech addressed the Board and noted the changes on the new plan. Mr. Lorane stated that the elderly housing component has been eliminated. Mr. Lorane went on to describe the location of the new Town Houses, their height and the buffers. Selectman Eliopoulos expressed concern with Chamberlain Road becoming an access road. Mr. Alphen reiterated that Chamberlain Road was off of the site plan.

Abutters:

1. Christina Ingallina, resident- 23 Chamberlain Rd, stated that the new plan places a very large structure in front of her property. Ms. Ingallina asked if it were possible to turn the structures so that they were not towering over her home. Mr. Lorane stated that he could look into changing the plan. Selectman Eliopoulos stated that in the new plan it looked as if Ms. Ingallina was the most affected and that an effort should be made to shift the structures. Selectman Newcomb stated that the Board specifically requested that the Town Houses be moved away from

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TOWN CLERK

the lot lines. Mr. Lorane replied that the homes would be buried into the side of the hill lowering the height.

2. Joe Claremount, representing Christina Ingallina stated that the concern was the buildings were located on the site.

3. Joseline Demueth, resident- 24 Chamberlain Rd stated that when she addressed the Board in the past the residents came with three concerns; density, height and access. Ms. Demeuth stated that none of those issues have been resolved. Ms. Demeuth felt that a vote on this LIP would set a precedent in Town.

4. Barbara Bunn, resident 6 Chamberlain Rd. asked about the sewer capacity in Town for big developments such as the one being proposed.

5. David Hedison, Chelmsford Housing Authority Director, stated that the developer has shown a willingness to work with the Town. Mr. Hedison stressed the need for more elderly accessible housing in Town. Mr. Hedison warned that when the numbers of units are decreased so is the amount of affordable housing available. Mr. Hedison noted that this development was creating truly affordable housing. This location of the site was designated in the past as an appropriate place for affordable housing. Selectman Eliopoulos asked about making some housing age restricted. Mr. Hedison replied that the Town could not restrict age. Selectman Dalton asked what the profit percentage was for the project. Mr. Sheehan noted other projects in town with an average of a 20% profit margin.

6. Richard Hicks, resident- 24 Chamberlain Rd asked why the number of town houses seems to be increasing with each new site plan. Mr. Hicks stated that a Hostile 40B would be less dense. Mr. Hicks requested that the developer go back and readjust the plan.

7. Barbara Ballenger, resident-25Chamberlain Rd asked if 27 Chamberlain Rd was being taken out of the project. Mr. Alphen replied that it was taken off of the plan.

8. Andy Sheehan commented on the memo written to the Board and noted that the Board can approve the plan with specific conditions including no access on Chamberlain Rd. Selectman Newcomb asked if there had been any discussion with the fire department concerning an access road and suggested showing the site plan to the fire department. Mr. Alphen noted that there was nothing on record from the fire department. Selectman Dalton noted previous discussions about widening the Littleton Road entrance.

9. Paul Cerqua, resident- 21 Chamberlain Rd commented on his past discussions with the Board and noted the issues of blasting, an access road and density. Mr. Cerqua urged the Board to approve a better plan for the neighborhood.

10. Chris Headier stressed that there was no intention to use 27 Chamberlain Road as part of the project.

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Motion: Selectman Chase made a motion to approve the Hillside Gardens 311 Littleton Road Local Initiative Program Application, as described on the preliminary site plan, conceptual Plan B-2 dated 12/29/06, and further described in Atty. Alphen's 12/29/06 Letter Re: Hillside Gardens LD, LLC, Local Initiative Program Proposal, subject to Applicant's receipt of DHCD's waiver relative to affordable unit Distribution within the project;

And further subject to the conditions that the Applicant will not seek emergency access via Chamberlain Road, nor via adjoining parcel No. 27;

And further, that the Plan be revised to re-orient buildings away from the Chamberlain Road entrance area as proposed;

And to have the fire department look at the site plan to widen the Littleton road entrance;

And finally that Board approval shall include the Board's written notification to the Zoning Board of Appeals informing them of this Board's concerns relative to establishing emergency access to the proposed Project."

Selectman Dalton seconded the motion.

Discussion:

Selectman Newcomb stated that the issues with the project were height and density and neither of those issues have been addressed. Selectman Chase noted that the contingencies in the motion were clear. Chairman McCall clarified for Mr. Lorane the conditions made in the motion. Selectman Newcomb commented on building the homes in the hill as a concern because it is not known what obstacles could be found in the hill. Selectman Newcomb added that he would like to see the plan submitted to the fire department. Selectman Eliopoulos stated that the developers were close to accommodating all parties involved and requested that the Board continue the hearing. Selectman Chase withdrew his motion and suggested that Selectman Newcomb work with Mr. Sheehan and the developers to work out the existing issues.

Motion: Selectman Chase made a motion continue the LIP Approval- Hillside Gardens, 311 Littleton Rd. until the February 5th; regular Board meeting. Selectman Dalton seconded the motion. Motion carried.

Chairman McCall called for a short break

Continuation-Transfer of All Alcohol Common Victualer License to Omega Pizza, 170 Concord Rd:

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Motion: Selectman Chase made a motion to close the public hearing. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the all alcoholic common Victualer license to Omega Pizza, located on 170 Concord Rd.; hours of operation weekdays 10:30am-11pm and Sundays 10:30am -11pm. Selectman Dalton seconded the motion. Motion carried.

Common Victualer License, Little Peach, 210 Boson Rd:

Michael Owen, representing Ismail Abboud requested a license, and a change of manager.

Motion: Selectman Chase made a motion approve the Common Victualer License to Little Peach #424 located at 210 Boston Rd; hours of operation weekdays 6am-11pm and Sundays 6am-11pm. Selectman Dalton seconded the motion. Motion carried.

Continuation- Class II Auto Dealer's License-M&M Towing, 85 Tyngsboro Rd:

Ben Osgood, representing Mr. Amini, requested a three month extension of the license to allow time to deal with all of the Boards conditions; including removing the parking lot. Mr. Osgood noted that Mr. Amini has been working with the Planning Board and the Conservation Commission. Selectman Dalton asked why it has taken over fourteen months to get to this point. Mr. Osgood stated that Mr. Amini was not aware that a permit was needed to build the lot, and spoke of the large financial commitment it has taken to remove it.

Motion: Selectman Chase made a motion to renew a Class II Auto Dealer's license, issue to M & M Towing, 85 Tyngsboro Rd., North Chelmsford MA, said license to be valid for a period of 4 months, January 1-April 30 2007, subject to the following conditions/stipulations:

1. That the Applicant continue to work with the ZBA and Planning Board with regard to their expansion of a non-conforming use (parking area in the flood plain zone);

2. That the current parking area will be removed;
3. That the back parcel will not be used for parking purposes;
4. That the Applicant will update the Board of Selectmen within 90 days of this approval with regard to its general progress and status with the ZBA and Planning Board."

Selectman Dalton seconded the motion. Motion carried.

One-Day All Alcohol License- St. Vartanantz Church, 180 Old Westford Rd:

Motion: Selectman Chase made a motion to approve the All Alcoholic license to St. Vartanantz Church located at 180 Old Westford Rd on February 17, 2007,

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from 5pm-midnight; all inclusive. Selectman Dalton seconded the motion. Motion carried.

One-Day All Alcohol License- Chelmsford Public Library, 25 Boston Rd:
Becky Hermann, Library Director, invited the Board to the Chelmsford Library community social event on February 2, 2007.

Motion: Selectman Chase made a motion to issue a one-day beer and wine license to the Chelmsford Public Library effective for February 2, 2007, from 6pm-11pm; inclusive. Selectman Dalton seconded the motion. Motion carried.

Public Hearing- Petition to Place Pole-National Grid, Subway Ave, Plan # 1732383:
Dave Aguilar representing National Grid requested a pole petition on Subway Ave. Chairman McCall asked if there was anyone present to speak for or against the petition.

Motion: Selectman Chase made a motion to close the public hearing. Selectmen Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the pole petition submitted by National Grid plan #1732383 dated December 8, 2006; contingent on the return of abutter cards to Town Hall. Selectman Dalton seconded the motion. Motion carried.

Approval of Minutes:

Motion: Selectman Chase made a motion approve the regular meeting minutes for December 4, 2006. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion approve the regular meeting minutes for December 18, 2006. Selectman Dalton seconded the motion. Amended: Page 5, 3rd paragraph to read *"Selectman Dalton asked that the original* ***height*** *discussed at the prior meeting be included back into the document."* Motion carried.

Selectman Chase held off on making a motion to approve the December 18, 2006, Executive Session minutes due to continued discussion with residents.

Town Manager Appointments:

1. Mr. Cohen requested that the Board approve the appointment of Carmen Langthorne to the Chelmsford Cultural Council.

Motion: Selectman Chase made a motion to approve the appointment of Carmen Langthorne to the Chelmsford Cultural Council. Selectman Dalton seconded the motion. Motion carried.

2. Mr. Cohen requested that the Board approve the following individuals as Deputy Constables: John Guilfoyle, Judith, Goffin, Kevin Whippen, Joseph Connell, Mathew St. Hilaire, Francis Fraine, and Ken White.

Motion: Selectman Chase made a motion to approve the following appointments to the Deputy Constable contingent on the receipt of the $5,000 bond: John Guilfoyle, Judith, Goffin, Kevin Whippen, Joseph Connell, Mathew St. Hilaire, Francis Fraine, and Ken White. Selectman Dalton seconded the motion, Motion carried.

3. Mr. Cohen requested that the Board approve the appointment of the following individuals to the July 4th Planning Committee: Jeff hardy, co-chair, Lynn Marcella, co-chair, Douglas Hausler, Jimmy Good, Brian Reidy, Hank Hamelin, Rick Romano, Kathy Kelley and Jim Cullen.

Motion: Selectman Chase made a motion to appoint Jeff hardy, co-chair, Lynn Marcella, co-chair, Douglas Hausler, Jimmy Good, Brian Reidy, Hank Hamelin, Rick Romano, Kathy Kelley and Jim Cullen to the July 4th Parade Committee. Selectman Dalton seconded the motion. Motion carried.

Jeff Hardy thanked the Board for the opportunity to co-chair the Parade committee. Mr. Hardy reminded residents that on January 18, 2007, the Town Manager and Police Department would hold a public forum. Mr. Hardy also noted that on March 1 the CBA would be having a candidate's night for the April election.

Town Manager Reports:

1. Mr. Cohen requested a motion to formally continue the Westland LIP project.

Motion: Selectman Chase made a motion to continue the Westland LIP Project until January 22, 2007 regular Board meeting. Selectman Dalton seconded the motion. Motion carried.

2. Mr. Cohen reported that applications have been received for the Town Accountant position and requested a brief Executive Session to choose candidates for interviews.
3. Mr. Cohen requested that the Board meet with FinCom and the School Committee on January 29, 2007, to discuss the budget. Mr. Cohen expressed concern with the budget and thought a meeting would help the Town see the challenges ahead.
4. Mr. Cohen reported that Chelmsford Telemedia was in favor of changing its by-laws to change its Boards make-up.
5. Mr. Cohen reported that he and the Police Chief attended a meeting in Billerica regarding the building of a power plant on the Chelmsford/Billerica line. Mr. Cohen added that there are no public safety concerns with the building.
6. Mr. Cohen reported that there had been no response from Verizon concerning the poles in the center of Town.
7. Mr. Cohen briefly discussed the foreclosure on 27 Katrina Rd., and that the DEP notified the Town. Mr. Cohen noted that the biggest concern was the issue of contamination of a nearby well field. Mr. Cohen stated that the Town will continue to work on the issue.

Selectman Referrals:

Selectman Eliopoulos made the following referral(s):

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1. Selectman Eliopoulos suggested that a meeting be set to discuss the goals of the Town with the public sometime in February. Selectman Eliopoulos thought it would be a good way to hear from residents. Selectman Chase agreed that improving communication with the community is a good idea. Selectman Newcomb suggested posting last year's goals and objectives on-line.

Selectman Chase made the following referral(s):

1. Selectman Chase commented on the changes to the Board LIP Policy and referred members to section 7-2.8 of the policy. Selectman Chase stated that an arbitrary amount of $500 that developers would need to pay in fees was selected and he requested an approved amount.

Motion: Selectman Chase made a motion approve the amended changes to the BOS-LIP Policy; issuing a fee for developers of $50 per unit with a minimum of $1,000 fee to be paid to the Town. Selectman Dalton seconded the motion. Motion carried.

Selectman Dalton made the following referral(s):

1. Selectman Dalton stated that he did a walk-through at the Chelmsford Forum following up on concerns made by residents. Selectman Dalton reported that the facilities were fine.
2. Selectman Dalton commented on the sloppy pick-up by the recycling trucks in his area.

Selectman Newcomb made the following referral(s):

1. Selectman Newcomb suggested that Selectmen request money from Representative Hall for the water clean up on Katrina Road.
2. Selectman Newcomb suggested the Board create a top five list of priorities that can be discussed and given to state representatives at a future meeting. Selectman Dalton suggested hand delivering the letter concerning sound barriers in town to Governor Patrick.

Chairman McCall made the following referral(s):

1. Chairman McCall noted recent questions concerning global warming and if there was anything that could be done locally. Chairman McCall suggested a pledge the Board could sign. Chairman McCall noted that the Board was invited to watch *An Inconvenient Truth* viewing and discussion next week.

Press Questions:

None

Motion: Selectman Chase made a motion to adjourn into Executive Session for the purpose employment contracts at **10:45pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA
January 22, 2007

7:00 p.m. **Call to Order**

Public Service Announcements

- **Chelmsford Alumni Association Annual Scholarship Banquet –** George Simonian
- **Winterfest –** February 2 - 4, 2007

Open Session

Approval of Minutes

- **Regular Meeting Minutes -** January 8, 2007
- **Executive Session Minutes –** January 8, 2007

BOS Appointments

- **Town Accountant**

Scheduled Business

7:30 p.m. **Auditor's Report – Powers and Sullivan**

8:00 p.m. **Application for a Common Victualer License –** Village Grille - 1 Central Square

8:05 p.m. **Application for a Class II Auto Dealer's License –** A+ Auto Dealers, 10 Wesley St.

8:30 p.m. **Westland Commons LIP, 194 Chelmsford St.**

Town Manager Reports

- Reports – Town Owned Land

Unscheduled Business

Selectman Referrals

Executive Session

Next Meeting: Joint Meeting with Finance Committee and School Committee, January 29, 2007, Senior Center

***** This meeting is televised. *****

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ELIZABETH L. DELANEY
TOWN CLERK

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, January 22, 2007
50 Billerica Road, Town Offices

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
Paul Cohen, Town Manager

7:05pm
Chairman McCall called the meeting to order.

Public Service Announcement(s):

1. George Simonian, of the Chelmsford High School Alumni Association, announced the annual Hall of Fame Induction ceremony on March 24, 2007, at the Doubletree in Lowell. Mr. Simonian named each nominee and gave a brief history on the following people: David R. Abbott, Kevin G. Attar, Mehmed Ali, Thomas A. Caito, David J. Hedison, Steven M. Mansfield, Lynne Marshall McSheehy, Randall A. Whitehead and Lance W. Wilder. Mr. Simonian invited the Board to the ceremony and thanked them for their support.
2. Mr. Cohen gave a brief description of the upcoming Winterfest on February 2nd - February 4th.
3. Chairman McCall stated that the Board of Selectmen and Town Manager would be holding a community meeting on February 12th at the Senior Center. The purpose was to discuss ideas and concerns in the community in a casual setting.

Open Session:

1. Diane Early, resident-184 Chelmsford Street wanted to discuss the covenant on the Westland LIP property dated June 29, 1989 by the current owner of the property. Ms. Early noted that the covenant restricts the use of the property and size of a dwelling. The covenant can only be released by a majority vote from the Planning Board. Ms. Early requested that the Board recommend to the Planning Board that all future meetings be public. Chairman McCall reminded the audience that all meetings and boards in Town fall under the MA Open Meeting Law. Ms. Early also requested that the Board make sure the LIP was resubmitted adhering to the current LIP policy. Selectman Dalton noted that if the Westlands LIP is resubmitted it would need to follow the Board's LIP Policy. Selectman Eliopoulos suggested a letter be sent to the attorney/developer stating that they need to comply with the covenant and the Board's LIP Policy.
2. Paul Davis, resident-17 Steadman Street discussed the recent decrease in the reputation of Chelmsford because of the proposed 40B's in Town. Mr. Davis stated that the State imposes no penalty on the Town if it does not meet the 10%

minimum needed in affordable housing. Mr. Davis stated that the issue of density was missing in the Board's LIP Policy.

Motion: Selectman Chase made a motion to withdraw the petition for the Westlands LIP, 194 Chelmsford St. without prejudice. Selectman Dalton seconded the motion. Motion carried.

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ELIZABETH L. DELANEY
TOWN CLERK

Approval of Minutes:

Motion: Selectman Chase made a motion to approve the January 8, 2007 regular session minutes. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the January 8, 2007 Executive Session Minutes. Selectman Dalton seconded the motion. Motion carried.

Town Manager Reports:

Mr. Cohen commented on recent media reports concerning a proposed location for a combined Fire/DPW facility. Mr. Cohen stated that at no time did he indicate that a location had been chosen for the facility, as suggested in the newspaper. Mr. Cohen noted that no location has been ruled out and that the intent is to form a committee. Mr. Cohen stated that the committee would discuss the needs of the Town and efficiencies of such a facility.

Selectman Dalton added that he wished the Lowell Sun had contacted members of the Board before they published the story because the article left an impression that Selectman Dalton is the only Board member in support of the fire station. Selectman Dalton asked each Board member his opinion on the issue. Selectman Eliopoulos stated that the Town is looking at all options regarding the center fire station. Selectman Chase stated that there is no fire facility in town that meets the needs of a fire Dept. headquarters, and that he is in favor of constructing such a facility. Chairman McCall stated that the Center Fire Station is in need and an alternate location should be discussed. Selectman Newcomb stated that he supported a fire station and having a study that discusses consolidation is needed. Selectman Dalton noted that in 1987 the center fire station was identified as a structurally unsound building.

Auditor's Report-Powers and Sullivan:

Richard Sullivan of Powers and Sullivan shared a brief synopsis of the report given to the Town. Mr. Sullivan stated that for the purposes of discussion he would focus on the budgetary areas of the report. Mr. Sullivan referred to that area in the report that shows the primary functions of the Town. Mr. Sullivan pointed to the larger parts of the Town budget, which are schools and public safety. Mr. Sullivan noted the continuing burden of health insurance and pensions for towns. Mr. Sullivan stated that the Town has been using reserves to fund the shortfalls and added that the Town currently has 3.9% of its budget in a Stabilization Reserve, as opposed to 5% in 2002. Mr. Sullivan summed up the report noting that the Town is in better shape than many other towns, and that the stabilization fund was better than most area communities. Mr. Sullivan noted that they audited the Federal Awards report and that we are in compliance.

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The Management Letter was part of the report designed to point out strengths and weaknesses in our internal controls and operations, as well as highlight laws and regulations. Mr. Sullivan noted no major deficiencies. Mr. Sullivan suggested that the flow and timeliness of information from the School Department to the Town Accountant could be improved.

Questions/Comments from the Board:
Selectman Chase asked for clarification between a contract and a purchase order. Mr. Sullivan replied that a purchase order and a contract were considered the same. Selectman Eliopoulos asked how the departments in Town responded to the audit. Mr. Sullivan complimented the departments in Town for their excellent audit package and was very pleased with the process.

BOS Appointments- Town Accountant:
Chairman McCall called for nominations for the Town Accountant position. Selectman Dalton nominated Darlene Lussier to the position of Town Accountant. Selectman Chase seconded the nomination.

> **Motion:** Selectman Chase made a motion to appoint Darlene Lussier to the position of Town Accountant, to start immediately and with terms and conditions of employment to be based on the negotiations to be completed by the Town Manager. Selectman Dalton seconded the motion. Motion carried.

Chairman McCall gave a brief history of the search process for the Town Accountant and its application process.

Application for a Common Victualer License-Village Grille, 1 Central Square:
Joint applicants, Allen Curtis of New Hampshire and Darlene Curtis of Wilmington, requested a Common Victualer license. Mr. Cohen stated that the license would restrict operations to the first floor and needed the Board of Health (BOH) and the Buildings Inspectors approval.

> **Motion:** Selectman Chase made a motion to approve the Common Victualer License to the Village Grill located at 1 Central Square; hours of operation Weekdays 6am-2pm and Sundays 6am-2pm. The license will restrict operations to the first floor and issuance will be contingent on the approval from the Board of Health and Building Inspector. Selectman Dalton seconded the motion. Motion carried.

Application for a Class II Auto Dealer's License-A+ Auto Dealers, 10 Wesley St.:
Peter Frasca, representing Gary Yip (president and appraiser), requested a license and noted that there was a closing planned for January 25th. Mr. Frasca added that Mr. Yip has had over twenty five years experience in the auto body field. Chairman McCall noted issues in the past in Town with keeping more than the required amount of vehicles on site. Selectman Dalton asked if there was proper ventilation on site. Mr. Frasca replied that the ventilation was up to the current standards and code.

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TOWN CLERK

Motion: Selectman Chase made a motion to approve the Class II Auto Dealer License to A+ Auto Dealers located on 10 Wesley St; not to exceed over ten vehicles on the lot. Selectman Dalton seconded the motion. Motion carried.

Town Manager Reports *Continued*:

1. Mr. Cohen presented a plan to assess three properties in Town: 15 Bentley Lane (failed at fall 05' Town Meeting), 12 Bentley Lane (withdrawn Fall 05' Town Meeting) and 3 Stillwater Drive (failed fall 05' Town Meeting). Mr. Cohen noted that if these parcels could be sold it would place them back on the Town's tax role as well as relinquish any maintenance responsibility. Mr. Cohen proposed possible affordable housing at each location, limited to one dwelling. Chairman McCall questioned the incentive for developers to build one dwelling. Mr. Cohen replied that smaller builders could be approached.

15 Bentley Lane
Mr. Sheehan discussed that this lot was determined to be non-buildable but that there is potential for limited development. Selectman Dalton asked if there is any frontage on the property. Mr. Sheehan noted that there is no legal frontage but there could be room for a modest development, which could be affordable. Selectman Newcomb asked about a waiver on conservation issues given there is a wetland around the property. Mr. Sheehan noted that it has not been looked into. Selectman Newcomb asked if restrictions on the property would be listed on the RFP. Mr. Sheehan replied that restrictions could be well defined in the RFP.

12 Bentley Lane
M. Sheehan stated that this lot is assessed at $19,500 and approval would be needed from the Board of Appeals to develop the property. Mr. Sheehan stated that this property is similar to 15 Bentley.

3 Stillwater Drive
Mr. Sheehan stated that this property was reassessed and at Town Meeting there were significant amounts of opposition.

Mr. Sheehan concluded by stating that the development of theses properties could be a benefit to the Town for the following reasons: eliminate liability and maintenance for the Town, abutting residents could purchase the lots and enhance their property values, and the land would be added back onto the Town's tax roll.

Selectman Eliopoulos stressed the need to talk to the abutters to give them the opportunity to buy the land. Chairman McCall agreed that communication with the abutters is vital. Selectman Newcomb felt that before a meeting with the abutters is scheduled the plan should be more detailed to reassure residents. Selectman Newcomb asked if these properties would be on the warrant. Mr. Cohen replied that it is it on the Town warrant.

2. Mr. Cohen requested a vote from the Board to remove restriction signs from Golden Cove Road. Mr. Cohen explained that the signs are no longer needed because of the installation of the traffic light at the end of the road.
   Motion: Selectman Chase made a motion to approve the removal of restriction signs from Golden Cove Road for the following Streets: Dawn Drive, New Spaulding and New Fletcher Rd. Selectman Dalton seconded the motion. Motion carried.

3. Mr. Cohen presented the Board with a list of articles for the spring '07 Town Meeting Warrant.
4. Mr. Cohen reported that he was pursuing the double pole issue in Town and was awaiting a response from Verizon concerning the North Rd. poles.
5. Mr. Cohen reported that the Katrina Road evacuation has taken place and the Town needed to notify the DEP.
6. Mr. Cohen reminded the Board that the Town's budget would be presented at the upcoming Joint meeting on January 29th with the School Committee and FinCom.
7. Mr. Cohen reported on the status of the fire union, and school union contracts.
8. Mr. Cohen reported that he attended a lunch at the senior center to hear concerns of the residents.
9. Mr. Cohen reported that he recently had gone on a tour of the Town's center and talked to local business owners and their concern for parking in the center.
10. Mr. Cohen reported that the lights in certain meeting rooms in Town Hall have been equipped with sensors to save on energy.
11. Mr. Cohen reported that he had spoken with Representative Tom Golden about budgetary concerns.

Selectman Referrals:

Selectman Newcomb made the following referral(s):

1. Selectman Newcomb suggested having an agenda item for the next meeting that would be a discussion of the priorities of the local representatives. Selectman Newcomb further suggested sending a "legislative priority" letter to the delegation as has been done in the past. Selectman Chase suggested using the 2005 legislative letter as a template. Selectman Newcomb added that the representatives should update the Board on specific actions taken in the past year.
2. Selectman Newcomb asked about parking in the center and the need for blue parking signs to indicate public parking in the center.
3. Selectman Newcomb mentioned a traffic light was broken in the center across on Chelmsford Street. Selectman Newcomb added that the base of the traffic lights in front of the Fisk house was also broken.
4. Selectman Newcomb stated that the School Building Committee was continuing to meet and asked if the ribbon cutting committee was all set. Mr. Cohen noted that a committee had been assembled.

Selectman Dalton made the following referral(s):

1. Selectman Dalton stated that he was glad to see that Verizon had responded to the Town and had identified a potential for the laying of fiber optics throughout Town.
2. Selectman Dalton mentioned the possibility of the Town getting grant money through NMCOG.
3. Selectman Dalton reported on several events throughout the Town.
4. Selectman Dalton asked about the delivery of a letter to Governor Patrick at the MMA. Selectman Chase replied that the initial letter received no response and an additional letter was sent.
5. Selectman Dalton asked if the proposed DWP/Fire site could fall under Chapter 90 monies. Mr. Cohen replied that Chapter 90 money could be received by the Town.

Selectman Chase made the following referral(s):

1. Selectman Chase stated that he attended the School Committee and Leadership Committee to discuss the FY09 budget.
2. Selectman Chase urged residents to attend FinCom meetings to get a general understanding of the Town's budget process.
3. Selectman Chase noted that he attended the MMA.

Selectman Eliopoulos made the following referral(s):

1. Selectman Eliopoulos requested that meetings be scheduled concerning the Russell Road issue.
2. Selectman Eliopoulos stated that he attended an environmental discussion and discussed what the community could do to help the environment.
3. Selectmen Eliopoulos asked for a listing of property in Town that is underutilized. Mr. Cohen mentioned the idea of designating an Economic Coordinator to start to work on getting property back on the tax roll as well as recruitment of businesses to Town. Selectman Newcomb suggested the position also work with new businesses to make the permit process easier.
4. Selectman Eliopoulos asked about property being developed for a 40B on the Westford /Chelmsford line. Mr. Cohen stated that the Town did not have much leverage but will examine the issue.

Chairman McCall made the following referral(s):

1. Chairman McCall noted that his e-mail address on the Town web page was incorrect.
2. Chairman McCall reported that there was a public input session scheduled on February 12th.

Press Questions:

None

Motion: Selectman Chase made a motion to adjourn into Executive Session for the purpose discussing potential litigation, not to return to Open Session, at **9:20pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

TOWN OF CHELMSFORD
JOINT MEETING MINUTES
Monday, January 29, 2007
50 Billerica Hall, Town Offices

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Board of Selectmen Attending: Michael F. McCall-Chairman, Samuel Chase, Selectman-Vice Chair, Thomas A. Newcomb, Philip M. Eliopoulos, William F. Dalton-Clerk, Paul Cohen Town Manager

School Committee Attending: Kevin Porter- Chairman, Angelo Taranto, Evelyn Thoren, Kathy Duffett, Vice Chair, Christina Walsh, Dr. Karen Mazza, Dr. Richard Moser, School Superintendent, and Bob Cruickshank-Business Office Manager

Finance Committee Attending: David Turocy-Chairman, John Kurland, Mary Frantz, William D Fulton, Dwight Hayward, Vincent Villano, and Donald Van Dyne.

7:00pm
Chairman McCall called the meeting to order.

Town Manger FY08 Budget Summary, Paul Cohen, Town Manager:
Mr. Cohen presented the FY08 Budget Summary, and highlighted the fact that the FY08 Budget is based on, no override, no use of the stabilization fund, and reduced Town services. Mr. Cohen further indicated that he is planning to fund a part-time economic coordinator's position. Mr. Cohen presented the Town's budget history, along with a breakdown of the four revenue components: Real Estate Taxes plus New Growth and Exempt Debt, State Aid, Local Receipts, and Available Funds. Mr. Cohen stated that the tax levy increase is limited to 2-1/2% of the prior year's levy, plus new growth. Mr. Cohen noted that because of Proposition 2-1/2, all towns in the State are under the same revenue pressures as Chelmsford.

Mr. Cohen highlighted the decrease in state aid since 2002. Mr. Cohen gave a brief history of Chelmsford's share of Chapter 70 monies from 1993 to the present and indicated that annual increases were the norm until FY 2003, when the State cut about 20% from our funding level. Mr. Cohen referred the boards to the MA DOE web page that shows the current Chapter 70 formula.

Mr. Cohen reported that the Available Funds category would drop for FY08 and highlighted the sewer fees, the child care revolving fund and the stabilization fund as chief contributors to the decline. Mr. Cohen stated that the stabilization fund is not near the recommended 5% of the operating budget, which could affect the bond rating of the Town.

Mr. Cohen noted that the major component of the Local Receipts category is the excise tax, and noted that reductions in that category are due primarily to a slow down in automobile purchasing. Mr. Cohen also noted the decrease in building permits.

Mr. Cohen gave a brief history of Expenditures and noted the budget busters are benefits, union contracts and snow and ice. Mr. Cohen detailed an expenditure summary and noted the largest parts of the budget are the school department and public safety. Mr. Cohen acknowledged that Nashoba has not submitted expense numbers to the Town; therefore a 6% budget increase was estimated. Mr. Cohen presented the financial picture of each Town department and whether they will be increased or level funded.

Mr. Cohen reported that under Municipal Administration, a part-time position will be eliminated. Under public safety, Mr. Cohen reported that the police overtime budget will be severely reduced. Mr. Cohen noted that this will impact investigation levels in Town. In the fire department, he indicated that alternate closing of the east and west stations will be put into effect. Proposed cuts in public works include elimination of full time employees as well as sidewalk construction. Mr. Cohen reported that the cemetery is level funded. Proposed cuts were also reported in the human services, community enrichment and the library categories.

Mr. Cohen reported that the Town settled employment contracts with the schools and that health insurance copays will increase from $5 to $15, saving the Town money, if the same change is approved by the other unions. Also the adoption of Section 18 helps the Town. Mr. Cohen outlined budget uncertainties in state aid, union agreements and Nashoba.

Mr. Cohen concluded by stating that any one-time money received by the Town will be transferred into the Stabilization Fund, and that efforts will continue with increasing Chapter 70 money, exploring cost savings, and expanding the commercial tax base.

School Department Presentation, Dr. Moser, School Superintendent:
Dr. Moser gave a brief history of the school department and the challenges that the department faces. Dr. Moser presented four budget summaries: Fixed Cost Adjusted Budget, Conservative Needs Budget, Sustained Service Budget and a Revenue Based Budget.

Dr. Moser noted the fixed cost increases from 41 million to 49 million. Since 2002, 50.1 positions have been cut and for FY08 another 23.9 will be cut from the budget. Dr. Moser noted the increase in class size after the cuts. Dr. Moser pointed out scheduling problems in the high school and that there are over 400 high school students without a full schedule. Ms. Duffett pointed out that some of the impacts presented by Dr. Moser have already occurred. Dr. Moser noted the impact of budget cuts on purchasing of text books, professional development for teachers and cuts in the MIS and Computer hardware budget. Dr. Moser noted the high fees that parents are paying for sports and activities. Dr. Moser noted a 1.7 million dollar shortfall for next year.

Dr. Moser presented cuts in teachers (10), guidance positions, music in the high school and other cuts not identified as of yet. Dr. Moser reiterated that 23.9 teachers would be cut. Selectman Chase asked how many reductions would result from retirements, and

how many were caused by Reductions in Force (RIF), meaning actual layoffs. Dr. Moser noted that there were at least ten Riff's and some were retiring.

Dr. Moser presented the impacts of such cuts in the school department. Dr. Moser clarified what it means for high school students not to have a full schedule. Dr. Moser suggested the following to help solve the funding issue: obtain more Town revenues, obtain more money through fees from parents, make cuts in education quality or raise additional revenue from taxpayers through an override.

Boards Discussion:

Christina Walsh read a prepared statement to the Boards stating the need for a solution to address the shortfall. Mr. Taranto urged the Town to join together to keep the schools going. Ms. Duffett noted that the cuts proposed will impact the children and there is a need to address the problem. Ms. Thoren acknowledged continued lobbing efforts at the State level for an increase in Chapter 70 money. Ms. Thoren asked about the $250,000 in Medicaid money. Mr. Cohen replied that the Town had been counting that money twice, but would no longer do so. Going forward, Medicaid money will be forecasted as revenue. Ms. Thoren pointed out that that would result in an additional $250,000 loss in the school budget. Ms. Thoren noted the increased fees and the burden on parents in Town. Mr. Porter referred to the 400 HS students not having full schedules and the need to deal with the all the issues discussed.

Selectman Newcomb asked what long range plans were made, since there is such a large shortfall projected in the future. Dr. Moser stated that the school spending in order to maintain level services exceeds current revenue projections, and a plan needs to be created. Selectman Newcomb asked if there are any other areas being considered for cuts. Dr. Moser noted that there have been cuts in the Administration areas and the schools are looking at a fair and balanced approach to any cuts.

Chairman McCall noted the shared concerns of the funding issues and highlighted the recent changes that have and will come to the Town as a result of our hiring a new Town Manger, Town Accountant and School Superintendent. Ms. Frantz asked about continuing the practice of purchasing computers through the Capital budget. Mr. Cohen replied that for one last time (FY08) the School Dept. will be allowed to purchase computers with a Capital appropriation, but going forward, they will have to include the purchase of new computers in their expense budget.

Ms Duffett and Mr. Cohen proceeded to discuss the bonding process for the School Building Project. Mr. Cohen noted changes in the state program and how the state will pay out a lump sum. Ms. Duffett asked about an override option for the Town. Mr. Cohen noted that the only thing worse than an override is a failed override, and if the override did not pass it could affect the bond rating of the Town. Mr. Cohen noted that the Town should do everything possible to maximize operating efficiencies before asking for an override.

Ms. Duffett asked further about what could be done for the school department. Mr. Cohen stated that he has not received historical expense data from the school department; therefore he does not have a full assessment. Selectman Eliopoulos stated that the community needs to see the challenges the Town is facing. Selectman Eliopoulos noted that since there are many changes occurring in the Town it may not be the right time to ask for an override. Mr. Porter stated that it was the students who had to wait while the Town makes it decisions. Selectman Eliopoulos mentioned the community meeting on February 12th. Ms. Thoren noted that decisions on the school side only directly affect 17% of the Town's population.

Public Input:

1. Karen DeDonato, Precinct 8 Town Meeting Representative, gave support for a revenue based budget. Ms. DeDonato did not support the closing of the two fire stations, or other proposed Town service cuts. Ms. DeDonato commented on the fees parents have to pay for students. Ms. DeDonato stated that the Town can not afford to cut anymore.
2. Mary Tiano, Precinct 8 Town Meeting Representative, asked about the recent negotiations with unions in Town. Ms. Tiano asked why Nashoba did not submit numbers to the Town. Mr. Cohen stated that Nashoba was contacted, did not respond, and the Town decided to estimate a 6% increase, based on past history. Ms. Tiano asked about the progress of the Chapter 70 civil case. Mr. Cohen replied that the Board of Selectmen had received an opinion from Town Counsel and is continuing to review the issue. Ms. Tiano expressed her frustration and dissatisfaction that Boards are apparently still having difficulty with communication, and indicated that it is unacceptable that Boards are not sharing all information completely and in a timely fashion. Ms. Tiano asked about the question asked earlier about the long term planning aspect of the budget for the schools. Ms. Tiano noted that the upcoming deficits are no secret. Selectman Newcomb clarified his question to the School Department as being specific to an override. Selectman Newcomb stated that there needs to be a multi year plan for any override proposed. Ms. Tiano asked that the Town give the residents a chance to decide on an override.
3. Linda Fall, Precinct 7 Town Meeting Representative, asked about the number of vending machines that are in the high school. Mr. Cruickshank stated that there are fifteen vending machines in the high school and that their revenues offset some food service costs.

Chairman McCall commented on recent proposals for excess Town land to be sold at the fall Town meeting and said the purpose for selling the land is to raise money for the stabilization fund. Chairman McCall noted that the Town needs to look at all options before asking for an override.

4. Mary Tiano, Precinct 8 Town Meeting Representative, followed up by stating that there was miscommunication that occurred at Town Meeting regarding the selling of Town land. Town Meeting Representatives do not feel the Town did enough

homework before proposing to sell Town property. Ms. Tiano was also critical concerning the lack of communication to abutters for those proposed land sales.

5. James Comeau, Precinct Town Meeting Representative, requested that the Boards have a solid plan before they proceed.

Chairman McCall stated that the leadership team would be meeting and that they would decide how to proceed, given the time constraints Mr. Cohen cited in regard to the April election.

Motion: Selectman Chase made a motion to adjourn at **9:55pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin

CHELMSFORD BOARD OF SELECTMEN
MEETING AGENDA
February 5, 2007

7:00 p.m. **Call to Order**

Public Service Announcements

Open Session

Approval of Minutes

- Regular Meeting Minutes – January 22, 2007
- Executive Session Meeting Minutes – January 22, 2007
- Joint Meeting Minutes – January 29, 2007

BOS Appointments

- Chelmsford High School Auditorium Ribbon Cutting Committee

Scheduled Business

7:30 p.m. **Application for a Common Victualer License –** Two Boys Bakery, 333 Acton Rd.

7:35 p.m. **Transfer of Underground Gasoline Storage License –** Ampet Inc., 100 Chelmsford St.

7:40 p.m. **BOS Vote to Assent - Monmouth St.**

7:45 p.m. **TM Warrant Article to Rescind Section 174-2 of Gen. Code– Closure of Pond St.**

7:50 p.m. **Town Owned Properties – Bentley Lane, Stillwater Dr**

8:00 p.m. **LIP Approval – Hillside Gardens – 311 Littleton Rd.**

8:45 p.m. **NCWD Ad Hoc Advisory Committee Report**

Town Managers Reports

Unscheduled Business

- **BOS Report – Legislative Priorities**
- **BOS Vote – Petition to Remove Registered Land- Woodland Square Development**

Selectman Referrals

*** **This meeting is televised.** ***

Executive Session

Next Meeting: February 12, 2007, Community Meeting
Senior Center, 75 Groton Rd.

TOWN OF CHELMSFORD
BOARD OF SELECTMEN MINUTES
Monday, February 05, 2007
50 Billerica Road, Town Offices

RECEIVED
TOWN CLERK

Attending:
Michael F. McCall, Selectman Chairman
Samuel Chase, Selectman Vice Chair
William F. Dalton, Selectman Clerk
Thomas A. Newcomb, Selectman
Philip M. Eliopoulos, Selectman
Paul Cohen, Town Manager

7:05pm
Chairman McCall called the meeting to order.

Open Session:

1. Clare Jeannotte, resident-3 Hawthorne Lane reported that the League of Woman Voters would conduct a Local Representative Night on February 7, 2007 at 7:00pm at the Police Station. Ms. Jeannotte noted that state and local representatives would be present to address residents concerns.

Approval of Minutes:
Selectman Chase noted that the January 22nd regular meeting minutes were missing pages and needed to be deferred to the next Board meeting.

Motion: Selectman Chase made a motion to approve but not release the January 22, 2007, Executive Session minutes. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to approve the January 29, 2007 Joint Session meeting minutes. Selectman Dalton seconded the motion. Motion carried.

Town Manager Appointments:
Mr. Cohen reported that the auditorium is almost complete and the creation of a ribbon cutting ceremony committee was requested.

Motion: Selectman Chase made a motion to approve appointment of the High School Auditorium Ribbon Cutting Committee, consisting of the following individuals: Marian Currier, Mike LaCava, Lauren Cochran, Jeff Doherty, Jeff Hardy, Eric Linser, Anne Marie Messier, Jo Morse, Kristin Neves, Tom Newcomb, Jeanne Parziale, Kevin Porter, Carl Rondina, Al Thomas, and Evelyn Thoren. Selectman Dalton seconded the motion. Motion carried.

Town Manager Reports:

1. Mr. Cohen noted the early change in daylight saving time this year. Daylight savings will be on the second Sunday, March 11, 2007.
2. Mr. Cohen reported that he attended a meeting with Tewksbury and Billerica to discuss the building of a power plant at the intersection of the three communities. Mr. Cohen noted he would continue to update the Board on the progress of the project.
3. Mr. Cohen reported that meetings are continuing with Russell Road residents.
4. Mr. Cohen reported a problem in the numbering of parcels on Pilings and Gary Rd. Mr. Cohen reported that he was working with the Town Clerk to solve the problem.
5. Mr. Cohen reported on the need for two new committees. The first committee would be formed to discuss a possible joint facility for the Town. Mr. Cohen suggested a nine person committee consisting of the fire chief, DPW director, a Board representative, a FinCom representative, members of the fire union and three residents. The purpose is to examine the consolidation of the fire department the DPW and a possible recycle center for the Town. Mr. Cohen requested that all interested residents should apply through the Town Managers office.
6. The second committee would be a Solid Waste Recycling Committee. Mr. Cohen noted programs in the past such as "Pay-as-You-Throw" that need to be revisited by the proposed committee. Mr. Cohen noted the need to promote and increase recycling in the Town.

Application for a Common Victualer License-Two Boys bakery, 333 Acton Rd.:
Derek Cash, of Medford, requested a license from the Board.

> **Motion:** Selectman Chase made a motion to issue a Common Victualer License to Derek Cash, doing business as Two Boys Bakery, 333 Acton Road; hours of operation M-F 5am-10pm, Saturdays 9am-9pm and Sunday 9am-5pm. Selectman Dalton seconded the motion. Motion carried.

BOS Vote to Assent- Monmouth St.:
Dennis Teague, representing George and Patricia Rowe, stated that the title on this property has had problems since 1902. Mr. Teague reported that the Town gave bad title and holes needed to be plugged. Mr. Cohen reported that he has not heard back from Town Counsel regarding the title.

> **Motion:** Selectman Chase made a motion to grant general assent, in the matter of George J. and Patricia L. Rowe v. Town of Chelmsford et al., of the Town of Chelmsford without further notice to the allowance of the complaint vesting title in the plaintiffs, George J. Rowe and Patricia L. Rowe, to the lots constituting the property known as 36 Monmouth Street, Chelmsford, Massachusetts by adverse possession, subject to favorable review by Chelmsford Town Counsel. Selectman Dalton seconded the motion. Motion carried.

Town Warrant Article to Rescind Section 174-2 of Gen. Code Closure of Pond St.:
Mr. Cohen informed Mr. Hausler, attorney for the petitioner Mr. Barnes, that the request date on the article was January 8, 2007, calling for the Town to abandon all rights to Pond Street. The warrant article was submitted past the submission date. Mr. Cohen stated that Pond St. is closed to vehicle traffic June 15th – September 15th. Mr. Cohen noted that Town sewer is under the road as well as municipal water lines. Mr. Cohen requested that access to the road be open year round.

Mr. Hausler stated that Mr. Barnes was not aware that the Town wanted to take such action. Mr. Hausler suggested a possible easement that would make biking and walking available to the public. Mr. Hausler noted that there is adequate fire access on adjacent roads. Mr. Hausler stated that in the past the land was used as a cut-through for people using the beach. Mr. Hausler commented that if the road is made a throughway then his client would build on the land. Mr. Cohen reported that he has spoken to Captain Donahue, in the fire department, and his preference is to make the road accessible all year round. Mr. Hausler requested that no action be taken by the Board. Selectman Dalton asked to see a copy of the letter written by Captain Donahue.

> **Motion:** Selectman Chase made a motion to defer the warrant article vote to rescind section 174-2 of Gen Code Closure of Pond Street until the next Board meeting on February 26, 2007. Selectman Dalton seconded the motion. Motion carried.

Transfer of Underground Gasoline Storage License- Ampet Inc., 100 Chelmsford St.:

> **Motion:** Selectman Chase made a motion to transfer the current gasoline license to Mohammad Lastriane of Amet Inc., 100 Chelmsford Street. Selectman Dalton seconded the motion. Motion carried.

Town Owned Properties- Bentley Lane, Stillwater Drive:
Mr. Cohen described the assessing process as it applies to determining the value of Town owned land. Mr. Sheehan gave a brief presentation to the Board regarding the three parcels, which were discussed at the last Board meeting. Mr. Sheehan described each parcel and its history at prior Town meetings. Mr. Sheehan noted the assessed value of the parcels and the benefit to the Town if the parcels are sold. After the conclusion of the presentation by Mr. Sheehan the Board had no follow-up questions.

LIP Approval – Hillside Gardens, 110 Littleton Rd.:
Mr. Alphen presented the changes of the Hillside Garden site. Mr. Alphen noted the decrease in townhouses and increase in garden units. Mr. Alphen reiterated that there would be no access from Chamberlain Rd., and it would be listed on the plan. Mr. Alphen noted that a revised memo of understanding has been created with the Housing Authority. Mr. Alphen stated that the plan also includes an increased buffer between the development and the abutters.

Chris Lorraine, of LandTech, gave a brief presentation and stated that the project now includes thirty three garden-style units, an increase of three units. Mr. Lorraine noted the split entrance to the development was created to allow emergency access vehicles. Mr. Hedison commented that as the number of units decreases, so does the number of affordable units. Mr. Hedison noted that this site is listed as a potential affordable housing site in the Towns Master Plan. Selectman Newcomb described his role as appointed liaison for the Board with the developer and Mr. Sheehan. Selectman Newcomb stated that density is still an issue.

Abutters:

1. Christina Ingallina, resident- 23 Chamberlain Rd, distributed a copy of an adverse possession claim, filed on January 31, 2007. Selectman Newcomb commented on possible emergency access road through 27 and 29 Chamberlain Rd. Selectman Eliopoulos stated that the motion could read that no access would be granted through those properties.
2. Nicole Ballenger, (minor) 25 Chamberlain Rd. requested that the Board do the right thing and not approve the LIP.
3. Barbara Bunn, resident- 6 Chamberlain Rd. asked who would monitor the conditions placed on the LIP. Selectman Eliopoulos informed Ms. Bunn that the Chelmsford Housing Authority would monitor the development. Mr. Sheehan outlined the process of the LIP. Selectman Newcomb asked if the Board of Appeals could disregard any conditions the selectmen place on the LIP. Mr. Sheehan noted that the Board of Appeals is bound by the Board of Selectmen's decisions.
4. Joseline Demueth, resident- 24 Chamberlain Rd thanked the Board for hearing the abutters concerns and asked the Board to think about the precedent they were setting in Town.
5. Richard Hicks, resident- 24 Chamberlain Rd stated that the development is not affordable and that the Town does not seem to benefit as much as the developers. Mr. Hedison gave examples of how the Town benefits from LIP projects.
6. Tom Christiano, resident-6 Drew Circle stated that the abutters were not being considered. Mr. Christiano was concerned with the density of the project and asked the Board to vote down the project.
7. Paul Cerqua, resident- 21 Chamberlain Rd stated that he spoke with the fire chief about an emergency access road on Chamberlain and asked that it be put into writing that an access road would not be allowed.

Board Discussion:

Selectman Dalton listed the meeting dates that the Board has discussed the Hillside Garden LIP project. Selectman Dalton wanted to make clear that the Town has been working with the residents and the developers. Selectman Chase stated that he would vote for the LIP. Selectman Chase added that a Board liaison was appointed to avoid continuing prolonged open-ended discussions and revisions to the project plan. Selectman Newcomb stated that the recent memo by Mr. Sheehan listed detailed requirements for the developer, and that the developer chose not to follow those requirements. Selectman Chase expressed disappointment with the last minute contact

with the developer. Selectman Newcomb noted a disappointment with the density not being addressed and would not approve the project. Selectman Eliopoulos noted the high level of involvement with the LIP by the residents, the Board and the Developer. Selectman Eliopoulos stated that he would approve the LIP. Chairman McCall stated that after looking at past projects in Town, and the current proposal, this LIP's density is too high and he would not approve it.

Motion: Selectman Chase made a motion to approve the Hillside Gardens, 311 Littleton Road Local Initiative Program Application, as described on the Preliminary Site Plan, Conceptual Plan C dated 1/26/07, and further described in the January 2007 Memorandum of Understanding Agreement between the Chelmsford Housing Authority and Hillside Gardens LD, LLC, subject to the Applicant's receipt of appropriate waivers from the Department of Housing and Community Development relative to affordable unit Distribution within the project, if required; and further subject to the Applicant's receipt of appropriate waivers to the Chelmsford Zoning Bylaw, Sections 195-12, Multiple Principal Structures, Sections 195-43 and 195-44, landscaping, and 195-62B, multi-family buildings setback;

And further subject to the following Conditions:

1. There shall be no access to Chamberlain Road from the abutting lots owned by the Applicant or by Mr. Heider, and the Applicant shall make all efforts to secure access solely from Littleton Road;
2. The properties, known as 27 and 29 Chamberlain Road, shall not be incorporated into the project;
3. The project shall comprise no more than 59 units consisting of 26 2-bedroom townhouse units and 33 1 and 2-bedroom garden style units;
4. Substantial deviation from Conceptual Plan C dated 1/26/07 shall require the prior approval of the Board of Selectmen;
5. The project shall provide not less than 15 affordable units. Affordable unit distribution shall be agreed to by the Applicant, Chelmsford Housing Authority, and Mass. Dept. of Housing & Community Development.
6. Townhouse units in the buildings closest to Chamberlain Road shall be built into the hill. The rear wall building height of said units shall be not greater than 30 feet above existing grade. Building height shall be as defined in the Chelmsford zoning bylaw.
7. Minimum building setback (foundation and deck) to the current property lines of 21, 23, and 25 Chamberlain Road shall be not less than 80 feet.
8. The abutter Joseph Heider has gone on record as not objecting to the proposed eleven (11') foot building setback from his property line to the closest proposed Townhouse.
9. The final plan shall incorporate an additional evergreen landscape buffer within the westerly side of the property behind lots owned by Belanger and Ingallina.

Selectman Dalton seconded the motion. Motion carried **(3-2).**

NCWD Ad hoc Advisory Committee Report:

Sue Sullivan, Chairperson of the NCWD Ad Hoc Committee presented a brief summary of their final report. Ms. Sullivan noted a threat to the NCWD water supply. Ms. Sullivan presented some of the major findings and recommendations the committee made. Ms. Sullivan stated that the Fuel Storage Tank needs to be removed immediately. The dirt storage Pile on the DPW site needs to be screened and recycled into a two year working pile, and the balance of the dirt needs to be stored off-site. Finally, storm water controls need to be placed on site. Ms. Sullivan suggested the creation of a Water Protection Committee to oversee the water supply of the Town. Ms. Sullivan stated that discussion occurred as to who should be on the Water Protection Committee, but that the final decision rests with the Board. Chairman McCall asked if a timeline was put in place for the committees recommendations. Ms. Sullivan noted that the other than the Fuel Storage Tank the recommendations could be acted upon at any time.

Motion: Selectman Chase made a motion to accept the Final Report of the North Chelmsford Water District Ad Hoc Advisory Committee on Potential Impacts to the NCWD Wells from Chelmsford DPW facility, dated January 31, 2007, as submitted. Selectman Dalton seconded the motion. Motion carried.

Motion: Selectman Chase made a motion to direct the Town Manager to take action as necessary to comply with the general recommendations of the North Chelmsford Water District Ad Hoc Advisory Committee Report, except the recommendation regarding the establishment of a single committee to oversee the activities of the three districts shall not be acted upon without further review by the Board, and further to provide such progress reports on the status of actions taken as the Board may direct; with the first Report to be available at the Board's next Regular Meeting, February 26, 2007. Selectman Dalton seconded the motion. Motion carried.

Unscheduled Business:

Selectman Eliopoulos stated that the Board would hold a public information session on February 12, 2007. The forum has been planned in order for residents to give comments and suggestions to the Board of Selectmen.

Chairman McCall requested an update on 262 Littleton Rd. Selectman Eliopoulos stated that Town counsel has not seen the report and that this agenda item should be continued until Town counsel can comment.

Selectman Referrals:

Selectman Eliopoulos made the following referral(s):

1. Selectman Eliopoulos commented on the January 29, 2007 Joint meeting. Selectman Eliopoulos stated that the Winterfest activities went very well.

Selectman Chase made the following referral(s):

1. Selectman Chase reported that the Town Budget was given to FinCom on January 25, 2007.

2. Selectman Chase reported that he attended the School Committee interviews for the new superintendent. Selectman Chase reported that the School Committee would be making their final decision on February 7, 2007.
3. Selectman Chase reported that the Boards Leadership Team has been meeting and is recommending a joint meeting during the second week of March.

Selectman Dalton made the following referral(s):

1. Selectman Dalton noted that he viewed the final School Committee interview and was impressed by the final candidate.
2. Selectman Dalton reported that he received a call from a resident on Bishop Street who expressed concern with the condition of the road after plowing.

Selectman Newcomb made the following referral(s):

1. Selectman Newcomb reported that the School Building Committee was wrapping up.
2. Selectman Newcomb asked about the tree in the center and why it was still roped off.

Chairman McCall made the following referral(s):

1. Chairman McCall stated that he was recently asked about redistricting and how it has hurt the Town. Selectman Newcomb suggested bringing the issue to the local representatives.

Press Questions:

1. Rita Savard of the Lowell Sun asked how many more units the Town needs to have to reach the state's required minimum 10% affordable housing component. Selectman Dalton replied that the Town is currently at 6-1/2%.
2. Ms. Savard asked about the process of the NCWD Ad Hoc Committee. Selectman Chase gave a brief description of the NCWD process.

Motion: Selectman Chase made a motion to adjourn into Executive Session for the purpose discussing potential litigation, not to return to Open Session, at **9:20pm**. Selectman Dalton seconded the motion. Motion unanimously carried.

Respectfully submitted,

Patrice Garvin